



California Regulatory Notice Register

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JUNE 4, 2004

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE

NOTICE IS HEREBY GIVEN that the California Public Employees' Retirement System ("CalPERS") pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87302 through 87306 of the Government Code.

CalPERS proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment reflects the numerous organizational changes that have been made since the current Conflict-of-Interest Code was adopted. It reflects additions and deletions of entire divisions as well as the addition or deletion of classifications within those divisions. Some changes may also reflect changes in job duties or responsibility. Finally, the amended Conflict-of-Interest Code makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than July 19, 2004 (last day of the 45-day written comment period), or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than 15 days before close of the written comment period, by contacting the Contact Person set forth below. The close of the written comment period is July 19, 2004.

CalPERS has undergone a significant review of its Conflict-of-Interest code, its operations, and individual job duties that forms the basis on which the amendments are based. Copies of the proposed amendments, the written criteria used to make the changes, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

CalPERS has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential impact on private persons, businesses or small businesses.

In making these proposed amendments, CalPERS must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Marte Castaños, Senior Staff Counsel
CalPERS
Lincoln Plaza, 400 P Street
Sacramento, CA 95814
916.326.3675
marte_castanos@calpers.ca.gov

TITLE 2. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NOTICE OF PROPOSED REGULATORY ACTIONS

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below after considering public comments, objections, or recommendations.

PROPOSED REGULATORY ACTION

In this filing, the Board proposes to amend text of Sections 561 through 561.14 of Title 2, California Code of Regulations to create greater consistency

between these regulations and Section 20200 of the Government Code governing the CalPERS Member Home Loan Program.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on July 19, 2004. The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via facsimile at (916) 326-3379, e-mail at marilyn_clark@calpers.ca.gov or mailed to the following address:

Marilyn Clark, Regulations Coordinator
California Public Employees' Retirement System
400 P Street, Room 1120
P.O. Box 942702
Sacramento, California 94229-2702
Telephone: (916) 326-3007

AUTHORITY AND REFERENCE

The CalPERS Board of Administration (Board) has general authority to take regulatory action under Government Code Section 20121. This action would interpret and make specific Government Code Section 20200, referred to as the Dave Elder Public Employees' Retirement System Member Home Loan Program Act.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Government Code Section 20200 establishes a home loan program to help CalPERS Members secure purchase money and refinance loans. Since the inception of the program, more than 121,670 real estate loans have been made, providing over \$19.0 billion in real estate financing to eligible members.

The Board proposes to revise Sections 561 through 561.14 of Title 2, California Code of Regulations. Amended regulations would:

- a) Incorporate 100% financing provisions in accordance with AB475,
- b) Renumber authority and reference citations according to the system implemented by AB-1595, and
- c) Redefine some terms to make them more consistent with statute.

EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to public employee retirement.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** The proposed regulatory action does not impose a mandate on local agencies or school districts.
- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action does not impact costs or savings for any state agency.
- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impact costs or savings for any local agency or school district, such that costs would qualify for reimbursement under Government Code Section 17500 et seq.
- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose non-discretionary costs or savings on local agencies.
- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action does not impact any federal funding to the state.
- F. **ADVERSE ECONOMIC IMPACT:** CalPERS has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of businesses in California to compete with businesses in other states.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- H. **IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action has no significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. The Board

invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

CONTACT PERSONS

Please direct inquiries concerning the substance of the proposed regulatory action to:

Mark A. Yelavich
Investment Officer
Manager, CalPERS Member Home Loan Program
California Public Employees' Retirement System
400 P Street Fixed Income Unit
Sacramento, California 95814
mark_yelavich@calpers.ca.gov
Telephone: (916) 795-0444

Please direct requests concerning processing of this regulatory action to Marilyn Clark, Regulations Coordinator, at the address shown above in Section II, or call her at (916) 326-3007.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED AMENDMENTS

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulation as amended, and the Initial Statement of Reasons (ISOR). A copy of the proposed text and the ISOR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons (FSOR) can be obtained, once it has been prepared, by written request to Marilyn Clark, Regulations Coordinator, at the address shown above.

For immediate access, the regulatory material regarding this action is available at CalPERS On-Line (www.calpers.ca.gov) under **About CalPERS > Legislation, Regulations & Statutes > Regulatory Actions**.

PUBLIC HEARING

The Board has not scheduled a hearing, however, any interested person, or his or her duly authorized representative, may request a public hearing pursuant to Government Code Section 11346.8. The request must be in writing and must be submitted to the Regulations Coordinator, at the address shown above, no later than 15 days prior to the close of the written comment period.

ACCESS TO HEARING ROOM

If a hearing is scheduled, the hearing room will be accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

AVAILABILITY OF MODIFICATIONS TO PROPOSED AMENDMENT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed text of the regulations as amended after the public comment period has closed. It may further amend Sections 561 through 561.14 if the changes are sufficiently related to the original text so the public could have anticipated them.

If the Board modifies its regulatory action in this manner, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments or asked to be kept informed as to the outcome of this regulatory action. If a public hearing is held, the modified text will also be mailed to all persons who submitted oral or written comments at the hearing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY: **Kern Community College District
Western Municipal Water District
Yuba Community College District
Elsinore Valley Municipal Water District**

A written comment period has been established commencing on **June 4, 2004** and closing on **July 19, 2004**. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia A. Jones, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing

before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **July 19, 2004**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Cynthia A. Jones,

Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Cynthia A. Jones, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture proposes to amend Sections 1392.2 and 1392.4 of the regulations in Title 3 of the California Code of Regulations.

Notice is also given of a written public comment period. Any interested person, or his or her duly authorized representatives, may present statements or arguments in writing relevant to the proposed regulation until 5:00 p.m. on July 26, 2004. Please refer to the contact section of this notice for the contact persons and address information when submitting comments.

A public hearing is not scheduled but will be if any interested person, or his or her duly authorized representative, submits a written request for public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing (if one is requested) or following the written comment period (if no public hearing is requested), the Department of Food and Agriculture, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 1392.2 provides definitions for the language used in the California Code of Regulations pertaining to the Direct Marketing Program. Currently, there is no definition of a sprout.

The specific purpose of amending Section 1392.2 is to adopt a definition of a sprout for the purpose of practicing the agricultural arts to sell at a certified farmers' market.

Section 1392.4 specifies certain conditions and limitations under which, 1) a certified farmers' market operates and 2) a certified producer may sell their agricultural products.

The specific purpose of amending section 1392.4 is to adopt subsections (h), requiring that the operator of a certified farmers' market provide upon the request of an enforcement officer, a valid certified farmers' market certificate when operating a certified farmers' market and (i), requiring a certified producer selling organic products to post a copy of their current state organic registration and their organic certification, if applicable.

FISCAL IMPACT STATEMENTS

The Department has initially determined that these proposed regulations would have no effect on savings or increased costs to any state agency, no costs under "Part 7 (commencing with Section 17500) of Division 4" of the Government Code to local agencies or school districts requiring reimbursement, no other nondiscretionary costs or savings imposed on local agencies, and no costs or savings in federal funding to the State will result from these proposed regulations. The Department has also initially determined that the proposed regulations do not impose a mandate on local agencies or school districts.

EFFECT ON SMALL BUSINESS

The Department has initially determined that the proposed changes in the regulations would result in no significant added costs to small businesses affected by these proposed changes. The Department does recognize that there could be a potential economic impact to some growers. This is based on the following facts.

Currently, Title 3 of the California Code of Regulations does not provide a definition for sprouts sold at certified farmers' markets. The Department is proposing to adopt a definition to provide consistency within the markets. Some sprout growers may no longer be able to sell their sprouts at these markets based on the proposed definition. However, there are other venues available to growers such as their production site, flea markets and roadside stands.

Section 46013.1(a) of the Food and Agriculture Code requires that any person engaged in the production or handling of raw agricultural products sold as organic within the State of California must register with the agricultural commissioner in the county of principal operation. In addition, the federal National Organic Program (NOP) requires that any person selling more than five thousand dollars of organic products on an annual basis must also be certified as organic through an accredited certifier. Currently, there is no requirement that a certified producer provide proof of their state organic registration and if applicable, organic certification at a certified farmers' market.

A significant amount of the produce sold at farmers' markets is represented as organic and tends to be sold at a higher price than other produce thus generating

more revenue. Consumers are willing to pay a premium price for produce they believe has been grown in accordance with federal and state organic standards. Under the existing conditions, a grower could falsely represent produce as organic and collect the higher price thereby creating an unfair market place. This clearly undermines consumer confidence as well as the integrity of the organic industry. The Department is proposing to adopt a regulation that will require a producer to post a copy of their state organic registration and federal certification, if applicable, at the farmers' market. The Department believes the proposed changes are necessary to protect the integrity of the industry as well as consumers from deceptive agricultural practices.

The proposed changes meet the needs of both the industry and the consumer without requiring substantial changes on the part of industry.

EFFECT ON HOUSING COSTS

The Department has initially determined that the amendment of the proposed regulation would have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has initially determined that the proposed changes would have no significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

ASSESSMENT STATEMENT

The Department has initially determined that the proposed changes in the regulations would not affect the creation or elimination of jobs in California and would neither create nor eliminate or expand existing businesses in California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any significant cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which these regulations are proposed, or would be as effective and less burdensome to affected private persons than the proposed regulations.

AUTHORITY AND REFERENCE

Notice is hereby given that the Department of Food and Agriculture, pursuant to the authority vested by Sections 407, 42681, 42682, 42684, 47000, 47001, 47002, 47003, 47004, 47020 and 47022 of the Food and Agricultural Code, and to implement, interpret, or make specific Section 42941, 47000, 47001, 47002, 47003, 47004, 47020, 47022.2 and 47022.3 of the Food and Agricultural Code, proposes to amend regulations in Title 3 of the California Code of Regulations.

CONTACT

Inquiries concerning the proposed administrative action may be directed to Sonja Dame or Janice L. Price. Inquiries pertaining to the substance of the proposed regulation should be directed to Janice L. Price. The contact persons may be reached at the Department of Food and Agriculture, Inspection and Compliance Branch, 1220 N Street, Sacramento, CA 95814, (916) 445-2180, fax (916) 445-2427. Written comments may also be submitted via e-mail to jprice@cdfa.ca.gov.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

A complete copy of existing regulations, the proposed changes, and the Initial Statement of Reasons may be obtained upon request from the Department of Food and Agriculture. These documents are available on our website at:

www.cdfa.ca.gov/cdfa/pendingregs.

In addition, all information, including reports, documentation, and other materials (rulemaking file) related to the proposed action is available upon request from the agency contact persons named in this notice. The Final Statement of Reasons, when available, may also be obtained from the contact persons named in this notice. The text of the proposed regulations with any sufficiently related changes clearly indicated will be made available for 15 days prior to adoption.

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF PROPOSED AIRBORNE TOXIC CONTROL MEASURE TO LIMIT DIESEL-FUELED COMMERCIAL MOTOR VEHICLE IDLING

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adopting a regulation to reduce public exposure to diesel exhaust particulate matter

(diesel PM) and other toxic air contaminants (TAC) by limiting unnecessary idling from specified vehicular sources.

DATE: July 22, 2004
TIME: 9:00 a.m.
PLACE: California Environmental Protection Agency
Air Resources Board
Central Valley Auditorium
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the ARB, which will commence at 9:00 a.m., on Thursday, July 22, 2004, and may continue at 8:30 a.m., Friday, July 23, 2004. This item may not be considered until Friday, July 23, 2004. Please consult the agenda for the meeting, which will be available at least ten days before July 22, 2004, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to

<http://www.arb.ca.gov/html/ada/ada.htm>

for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please go to <http://www.arb.ca.gov/as/eo/languageaccess.htm> or contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of Chapter 10—Mobile Source Operational Controls, Article 1—Motor Vehicles, section 2485, title 13, California Code of Regulations (CCR).

BACKGROUND

The Board identified diesel particulate matter (PM) as a toxic airborne contaminant (TAC) in August 1998. In September 2000, the Board adopted the "Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (DRRP)" which established a goal of reducing emissions and the resultant health risk from virtually all diesel-fueled engines and vehicles in the state of California by the year 2020. The DRRP identified various methods for reducing emissions of diesel PM including new, more stringent standards for all new diesel-fueled engines and vehicles, the replacement of older in-use engines with new cleaner engines, the use of diesel emission control strategies on in-use engines, and the use of low sulfur diesel fuel.

The major sources of diesel-PM are the approximately 1,250,000 diesel-fueled engines in vehicles and equipment used in California. Diesel exhaust from

excessive idling imposes significant adverse health and environmental impacts on all Californians. Diesel exhaust is a complex mixture of thousands of gases and fine particles that contains more than 40 identified toxic air contaminants. These include many known or suspected cancer-causing substances, such as benzene, arsenic and formaldehyde. Diesel exhaust can irritate the eyes, nose, throat, and lungs. It can cause coughs, headaches, light-headedness, and nausea. Diesel exhaust is a major source of ambient particulate matter pollution as well, and numerous studies have linked elevated particle levels in the air to increased hospital admission, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems.

Human health and the environment are adversely affected by the air pollutants emitted by idling diesel-fueled engines. An estimated 449 tons of diesel PM will be generated in California in 2004 from commercial motor vehicle idling. Nitrogen oxides (NO_x) emissions from idling are estimated to be nearly 19,878 tons per year. Because of the high potency of diesel PM and the potential for large numbers of diesel-fueled engines to idle at one location (e.g., truck stops), staff believes that there are situations where the estimated 70-year potential cancer risk resulting from exposure to diesel PM emissions will be in excess of 10 in a million.

ARB staff has prepared an Initial Statement of Reasons (ISOR) for the Proposed ATCM that, along with the DRRP, serves as the report on the need and appropriate degree of regulation for reducing idling of diesel-fueled commercial motor vehicles.

DESCRIPTION OF THE PROPOSED REGULATORY ACTION

The Proposed ATCM to limit motor vehicle idling is designed to reduce the general public's exposure to diesel PM, other TACs, and air pollutants. The Proposed ATCM would apply to diesel-fueled commercial motor vehicles with gross vehicle weight ratings (GVWR) greater than 10,000 pounds operating in California, regardless of the state or country in which the vehicle is registered.

The requirements of the Proposed ATCM would impact both the public and private transportation industries. Public agencies that could be affected are transit agencies and public agencies with heavy-duty vehicles. Private businesses that could be affected are private transit and tour bus operations, contractors, distributors, transporters, delivery services, and heavy-duty vehicle fleets. Agencies and businesses would be affected to the extent they own, operate, or direct the operation of buses and heavy-duty vehicles.

The Proposed ATCM would be implemented in two phases. Phase one eliminates general unnecessary idling and would be implemented immediately upon

approval of the Proposed ATCM into state law. The driver of a subject vehicle would be required to manually shut off the engine before the idling time limit of five minutes is reached. Buses, including transit, tour and coach, are not subject to the five minute idling restriction when passengers are on board and are allowed no more than 10 minutes of idling time prior to boarding of passengers to allow the passenger compartment adequate time to acclimate for passenger comfort.

Phase two of the Proposed ATCM would restrict idling of the main truck engine or diesel-fueled auxiliary power system (APS) during driver rest periods and becomes effective January 1, 2009. Options to comply with the restricted idling limitations would include shutting off the engine where weather conditions allow, off-board and on-board electrification, and non diesel-fueled auxiliary power systems. ARB staff intends to return to the Board in 2005 to propose procedures and specifications under which diesel-fueled APS units would be allowed to operate beyond January 1, 2009.

The Executive Officer has proposed circumstances under which exceptions to the Proposed ATCM's idle limits may be determined necessary. Idling restrictions contained in the Proposed ATCM would not apply when idling is necessary to prevent safety or health emergencies or when idling is necessary due to adverse weather conditions such as dense fog. Idling limits would not apply when the vehicle is stopped in situations in which the driver has no control such as being stopped at a traffic signal, railroad crossing, or construction zone. The Proposed ATCM's idle limitations would not apply when idling is necessary during servicing, testing, vehicle inspections or when idling is necessary to perform work for which the vehicle was designed such as turning a cement mixer. Additionally, the Executive Officer has proposed that when vehicles are within 100 feet of designated restricted areas, owners/operators would eliminate unnecessary cueing and extended driver rest period main engine idling; that is, they would remain subject to phase one restrictions.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons for the Proposed ATCM, which includes a summary of the potential environmental and economic impacts of the proposal. The ISOR is entitled, "Staff Report: Initial Statement of Reasons for the Proposed Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling."

Copies of the ISOR and the full text of the proposed regulatory language may be obtained from the Public Information Office, Air Resources Board,

1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing (July 22, 2004).

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed at the web site listed below.

This notice, the ISOR and proposed regulatory text described therein, and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site at

<http://www.arb.ca.gov/regact/idling/idling.htm>.

Inquiries concerning the substance of the Proposed ATCM may be directed to the designated agency contact persons, John Kato, Manager of the Project Support Section, at (916) 322-2891, or by email at jkato@arb.ca.gov and John Gruszecki, PE, Air Resources Engineer, at (916) 327-5601, or by email at jgruszec@arb.ca.gov.

The agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you have a disability-related accommodation need, please go to

<http://www.arb.ca.gov/html/ada/ada.htm>

for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please go to <http://www.arb.ca.gov/as/eo/languageaccess.htm> or contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the Proposed ATCM are presented below.

Pursuant to Government Code section 11346.5(a)(5), the Executive Officer has determined that the Proposed ATCM will not impose a mandate on local agencies or school districts. The Executive Officer has further determined pursuant to Government Code section 11346.5(a)(6) that the Proposed ATCM will result in some additional costs to the ARB

and other state agencies. In addition, the Executive Officer has determined pursuant to Government Code section 11346.5(a)(6) that the Proposed ATCM will not create a cost to local agencies that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code or other non-discretionary costs or savings imposed on local agencies or school districts. The Executive Officer further determined that the Proposed ATCM would not result in costs or savings in federal funding to the State.

The Executive Officer has determined that the Proposed ATCM will have an insignificant impact on costs to local agencies or school districts and will most likely result in cost savings. Cost savings will result from reduced fuel and maintenance costs due to reduced idling and should offset any cost associated with driver compliance education. Statewide, the total number of trucks equipped with sleeper berths owned or operated by local agencies and school districts is not known, but is expected to be very small, if any. The cost impact to any local agency or school district should therefore be very small.

Some minor costs will occur for state agencies that own and operate diesel-fueled commercial motor vehicles but will most likely result in cost savings. Cost savings will result from reduced fuel and maintenance costs due to reduced idling and should offset any cost associated with driver compliance education. Statewide, the total number of trucks equipped with sleeper berths owned or operated by state agencies is not known, but is expected to be small. Since these costs are insignificant compared to their overall budget, staff believes that the costs will easily be met within existing budgets.

The Executive Officer has determined that the total cost for implementing the Proposed ATCM for state agencies will be approximately \$25,000 per year for outreach efforts in 2003 expenditure equivalent dollars. While the ARB is expected to absorb enforcement activities within current budgets and with current staff for the foreseeable future, if monies become available, an additional 12 person years could be required for enforcement. Initial outlay will not be necessary until fiscal year 2005–2006. The affected state agencies are ARB, California Highway Patrol, and potentially other state law enforcement agencies. It is anticipated that the agencies will be able to absorb costs, given the extended period allowed for compliance.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the Proposed ATCM will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

The Executive Officer has determined, pursuant to title 1, CCR, section 4, that the Proposed ATCM will have a positive cost-savings impact on small businesses. The ARB staff believes that nearly 73 percent of affected businesses are small businesses.

The Executive Officer has determined that the total cost savings of the Proposed ATCM to affected businesses will be approximately \$575 million for both cost/benefit analysis windows (phase one 2005–2009 and phase two 2009–2013), in 2003 equivalent dollars. This value represents the total cost savings of the Proposed ATCM if all money required to comply and all monetary benefits were spent or generated today. On an annual basis, the cost savings will vary between \$17 to greater than \$113 million per year. The cost savings for a typical business, including capital costs, is estimated to be up to \$425 per vehicle per year in 2003 equivalent dollars. Additionally, owners and operators are expected to enjoy cost savings outside of the cost/benefit analysis windows for the lifetime of the regulation. The ARB staff estimates that the annual cost savings, including capital costs, to a typical small business (a fleet of seven or less vehicles) will be up to \$425 per vehicle per year in 2003 equivalent dollars.

In accordance with Government Code sections 11346.3 and 11346.5(a)(10), the Executive Officer has determined that the Proposed ATCM may lead to creation or elimination of some businesses, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. The Proposed ATCM could create a demand in manufacturing and services of automotive diesel idle reduction technologies. The Proposed ATCM could also have a positive impact on the creation and expansion of jobs and businesses, especially for companies engaged in the engineering, design, and manufacture of auxiliary power systems. In the service sector, the Proposed ATCM could positively impact job creation at locations that choose to provide on- and off-board truck stop electrification services.

A detailed assessment of the economic impacts can be found in the ISOR.

CONSIDERATION OF ALTERNATIVES

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the agency or that

has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, July 21, 2004**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to:

arbing@listserv.arb.ca.gov

and received at the ARB **no later than 12:00 noon, July 21, 2004**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, July 21, 2004**.

The Board requests but does not require 30 copies of any written submission. Also, the ARB requests that written, facsimile, and e-mail statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed ATCM.

STATUTORY AUTHORITY

This regulatory action is proposed under the authority granted to the ARB in the California Health and Safety Code sections 39600, 39601, 39658, 39614 (b)(6)(A) 39667, 39674, 43000.5 (d), 43013 (b), 43013 (h), 43018 (b), and 43018 (c) and *Western Oil & Gas Assn. v. Orange County Air Pollution Control Dist.* (1975) [14 Cal.3d.411]. This action is proposed to implement, interpret, or make specific Health and Safety Code sections 39002, 39003, 39027, 39500, 39600, 39650, 39655, 39656, 39657, 39658, 39659, 39662, 39665, 39674, 39675, and 42403.5; Vehicle Code Sections 305, 336, 350, 440, 445, 545, 546, 642, 680, 21400, 22452, 22515, and 27153; and California Code of Regulations sections 1201, 1900, 1962, and 2480, title 13.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the ARB may adopt the regulatory language as originally proposed or with non-substantial or grammatical modifications. The ARB may also adopt the proposed regulatory language with other modifications if the modifications are sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, 1001 I Street, Visitors Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.

TITLE 14. DEPARTMENT OF FORESTRY AND FIRE PROTECTION

NOTICE OF PROPOSED RULEMAKING

STATE RESPONSIBILITY FEES

The California Department of Forestry and Fire Protection (CDF) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

CDF proposes to amend the following sections of Title 14 of the California Code of Regulations (14 CCR), Chapter 13:

Adopt all new sections to 14 CCR CHAPTER 13 § 1665 as follows:

§ 1665.1 Authority

§ 1665.2 Definitions

§ 1665.3 Determination of Eligible Parcel

§ 1665.4 Imposition of the Benefit Fee

§ 1665.5 Requests for Review and Refunds

PUBLIC HEARING

CDF will hold a public hearing starting at 1:00 P.M., on Tuesday, July 20, 2004, at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. CDF requests, but does not require, that

persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to CDF during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by CDF and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to CDF. The written comment period ends at 5:00 P.M., on Monday, July 19, 2004. CDF will consider only written comments received at the Department office by that time (in addition to those written comments received at the public hearing). CDF requests, but does not require, that persons who submit written comments to CDF reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments may be submitted by U.S. mail to the following address:

Dean Cromwell
SRA Fee Project Manager
California Department of Forestry
and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered or sent by courier to the contact person listed in this notice at the following address:

California Department of Forestry
and Fire Protection
1300 U Street
Sacramento, CA 95818

Written comments may also be sent to CDF via facsimile at the following phone number:

(916) 324-1180

Written comments may also be delivered via e-mail at the following address:

sraissues@fire.ca.gov

AUTHORITY AND REFERENCE

Under the authority of PRC 4139, CDF is adding new Chapter 13 to Title 14 California Code of Regulations. Within this chapter, CDF is adding Sections 1665.1-1665.5. The statute being implemented, interpreted and made specific is Chapter 741/ Statutes 2003 that added PRC Sections 4138-4140.5. References include Sections 4102, 4111, 4114, 4125, and 4138 of the Public Resources Code, Section 53087.4 of the Government Code and Sections 155.20 and 5097 of the Revenue and Taxation Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 4139 of the Public Resources Code (PRC) imposes an annual “State Responsibility Area” (SRA) benefit fee for parcels located in whole or in part with in SRA. The annual benefit fee is \$35 on each parcel of land located, in whole or in part, within the SRA. The \$35 fees for 2003–04 and 2004–05 are to be collected as a single levy of \$70 (\$35 + \$35) as part of the 2004–05 local tax bill. If the annual fee continues it would be \$35 per eligible parcel per year.

SRA is defined in PRC Section 4102 as those lands for which the Board of Forestry and Fire Protection has determined the State has financial responsibility for preventing and suppressing fires. Boundaries for such lands are made specific by CDF pursuant to the *State Responsibility Area Classification Key* adopted by the Board of Forestry pursuant to PRC 4125–4128. SRA lands roughly correspond to areas that are covered in timber and other vegetation, or contiguous rangelands, which provide watershed value. They do not include areas within federal ownership or within incorporated cities. SRA lands cover about 31 million acres in 56 counties and include an estimated 1.1 million parcels.

CDF is charged with implementing the SRA fee. The proposed regulations allow CDF to implement the fee in an orderly and efficient manner over the timeframe required. The regulations provide for a functional definition of parcel; specify how CDF will utilize non-CDF staff with expertise in fee administration to implement the fee; and create a process for parcel owners to request a review and refund of the fee.

PRC 4140 (b) makes funds available, upon appropriation by the Legislature, to CDF to provide fire prevention and suppression benefits to landowners in SRA. In addition, PRC 4140 (d) allows CDF to borrow against anticipated revenues from the fee to meet cash flow needs. For these sections to operate as envisioned, CDF must be able to collect the fee.

SPECIFIC PURPOSE OF THE REGULATION

The regulation requires CDF, in accordance with PRC 4139, to impose an annual SRA benefit fee for parcels located in whole or in part with in SRA as defined in PRC Section 4102.

Section 1665.1 Authority: The purpose of this section is to identify that the regulation is intended to lay out procedures to implement SRA fees.

Section 1665.2 Definitions: This section provides definitions for terms used in the regulation.

Subsection 1665.2(a) “Parcel”: This subsection provides a definition of “parcel” as real property delineated by an assessor parcel number.

Subsection 1665.2(b) “Designated Fee Administrator”: PRC Section 4139 (g) allows the Department to contract for services related to establishment of the fee collection process. The creation of a “Designated Fee Administrator” indicates how this will occur.

Subsection 1665.2(c) “State Responsibility Area”: The fee is to be administered in State Responsibility Areas (SRA). This subsection makes reference to the process by which SRA is determined and indicates the location of information regarding boundaries.

Subsection 1665.2(d) “Benefit Fee”: This simply standardizes the term used to reflect the fire protection benefit fee imposed by PRC Section 4139(a).

1665.3. Determination of Eligible Parcel: This section indicates that the determination of eligible parcels will be done statewide for the Department by its Designated Fee Administrator consistent with the definition of “parcel” and within the requirements of PRC 4139(a).

Section § 1665.4. Imposition of the Benefit Fee: This section further clarifies parcels that are eligible for the fee.

Subsections (a) and (b): PRC Section 4139 forbids imposition of the SRA fee on parcels that are exempt from property taxes and on parcels owned by a public agency and located within the boundaries of a public agency. The subsection repeats these exclusions for the sake of clarity.

Subsection (c): This subsection removes parcels less than \$5000 in value. This standardizes an exclusion allowed by Section 115.20 of the Revenue and Taxation Code across all counties.

Subsection (d): This subsection clarifies that the fee applies only to real property.

Subsection (e): “Parcel” as defined by proposed 14 CCR 1665.2(a) uses real property as delineated by an Assessor Parcel Number. Consistent with common assessment engineering practice, the subsection specifies that the fee should not be imposed on parcels created by the assessor for administrative purposes, such a revenue boundaries or changes in map book pages.

Section § 1665.5. Requests for Review and Refunds: This section indicates the process by which parcel owners may request review of their fees and sets in place a process to respond.

Subsection (a): This subsection specifies that a parcel owner who believes that an error has been made may request review with the Designated Fee Administrator.

Subsection (b): This subsection specifies the time period for review, makes such requests consistent with Revenue Taxation Code Section 5097 and provides a contact point for a request to review the fee. It also specifies that property owners must supply informa-

tion supporting their review requests and allows the Designated Fee Administrator to request additional information as needed to facilitate the review.

Subsection (c): This subsection establishes a timeframe within which the Designated Fee Administrator completes a review and provides notice to the property owner.

Subsection (d): This subsection describes how the Designated Fee Administrator will handle fee modifications.

Subsection (e): This subsection describes how property owners may appeal the decision of the Designated Fee Administrator to CDF. Timeframes and notice to property owner requirements are set.

Subsection (f): This subsection describes how CDF will handle fee modifications. The section also indicates that the decision by the Department constitutes a final administrative action.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has determined the proposed action will have the following effects:

Costs or savings to any State agency: The administrative costs to CDF are up to \$5 million in fiscal 2003–04 and 04–05. Administrative costs beyond that time are uncertain. Failure to pass the regulations could limit CDF in its ability to collect the fee or add to the administrative costs. If CDF cannot collect the fee and reduces its fire protection forces, there is an increased risk that more wildfires will escape, resulting in higher expenditures of State Emergency Fund dollars to pay for contracted forces to contain the escaped wildfires.

Cost to any local agency or school district that must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500: PRC Section 4139 (e) mandates that counties implement the fee in the same manner and at the same time as secured property taxes. Notwithstanding other provisions of law, the section allows counties to increase the benefit fees by an amount to cover its reasonable cost of levying, collection, and apportionment and may retain the increased amount.

Other non-discretionary cost or savings imposed upon local agencies: None

Cost or savings in federal funding to the State: None

Significant statewide adverse economic impact directly on business: There is one kind of economic impact that comes simply from passage of PRC 4139 and not primarily from the proposed rule. Under PRC 4139 (a), any business that owns an eligible parcel will have to pay the fee of \$70.00 per eligible parcel on their 2004–2005 tax bill. If the annual levy continues

it will be \$35 per eligible parcel per year. Added fees to businesses under PRC 4139, whether just the SRA fee alone or in combination with other new unrelated fees, could have some adverse economic impact on businesses holding many parcels of land. Typical businesses affected are likely those holding parcels for timber harvesting, cattle grazing or agricultural purposes. The exact impact of the fee itself on businesses will be dependant on the number of eligible parcels they hold. Large industrial or large ranch owners with many eligible parcels would have the largest total fee amount assessed, while owners of individual parcels would experience the smallest dollar impact.

A second kind of economic impact may be related to the proposed rule itself. By defining “parcel” as real property with an APN, CDF is clarifying the standard to determine which parcels are eligible. This could affect the number of parcel owners who must pay the fee and perhaps the total fee that they will need to pay. CDF has mitigated a portion of this impact by removing parcels that have been created for administrative purposes as specified in the regulation and for parcel values less than \$5000.

A third possible economic impact could result if CDF cannot implement the fee. In the event the fee is not collected and CDF reduces its fire protection forces significantly, the number of smaller fires that escape and become larger fires reasonably can be expected to occur. Increased loss of life, property, and damage to natural resources can also be expected. This could cause increased costs to businesses and private persons.

In comparison to many other Western states, the addition of SRA fees would more closely approximate arrangements in those states where landowners contribute to fire protection budgets via fees or other methods. It is reasonable to assume that there should be little difference in the ability of businesses in the SRA to compete with other states because of the SRA fee.

Cost impacts on representative private persons or businesses: Under PRC 4139 (a) there will be an impact of \$70 per eligible parcel on owners of every eligible SRA parcel on their 2004–2005 tax bill. If the annual levy continues it will be \$35 per eligible parcel per year. Property owners with multiple parcels subject to the SRA fee would face multiple billings of \$70 on their 2004–2005 tax bill. The total collected for each landowner depends on the number of eligible SRA parcels. The relative impact on landowners depends on a number of factors, such as income level. Except for clarifying “parcel” to mean APN and removing parcels that are created for administrative reasons or are of low value, the proposed rule will not change this impact.

In the event the fee is not passed and CDF reduces its fire protection forces significantly, the number of smaller fires that escape and become larger fires can reasonably be expected to occur. Increased loss of life, property, and damage to natural resources can also be expected. This could cause increased costs to private persons.

Significant effect on housing costs: None

Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small business: See "Cost impacts on representative private persons or businesses" above.

The proposed rules do not conflict with, or duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

The regulation does not require a report that applies to businesses. It implements the statutory requirement to pay a fee as part of a tax bill. If landowners choose to request a review under proposed Section 14 CCR 1665.5, they will need to provide information needed in support of their request.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5(a)(13), CDF must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of CDF would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Dean Cromwell
SRA Fee Project Manager
California Department of Forestry
and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460
(866) 878-2998 (toll free)

The designated backup person in the event Mr. Cromwell is not available is Christopher Zimny, Regulation Coordinator, California Department of Forestry and Fire Protection, P.O. Box 944246, Sacramento, CA 94244-2460, Telephone: (916) 653-9418

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

CDF has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

CDF will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at the following address.

Resources Building
Room 1517
1416 9th St.
Sacramento, CA 94816
Attention: Christopher Zimny
Tel: (916) 653-9418

All of the above referenced information is also available on the CDF website at:

http://www.fire.ca.gov/php/fire_er_sra.php

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, CDF may adopt the proposed regulations substantially as described in this notice. If CDF makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before CDF adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from CDF.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. CDF will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 1580, 1581, 1583 and 1907, of the Fish and Game Code, and to implement, interpret or make specific Sections 1526, 1528, 1530, 1580-1585, 1590 and 1591, of said Code, proposes to amend Section 630, Title 14, California Code of Regulations, relating to Ecological Reserves.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, there are 123 ecological reserves designated in Section 630, Title 14, CCR for the purpose of protecting sensitive habitats and species. The department is requesting that this section be amended to add eleven new ecological reserves to this listing. The eleven new reserves are:

Ballona Wetlands consisting of 483 acres in Los Angeles County for the protection and enhancement of coastal salt marsh and freshwater marsh habitats, and associated species, including the state listed endangered Belding's savannah sparrow. The area is also an important wildlife movement corridor to other public lands in the vicinity of the wetlands.

Boulder Creek/Rutherford Ranch consisting of 37 acres in San Diego County for the protection and enhancement of oak habitat and associated species.

Burton Mesa consisting of 5,125 acres in Santa Barbara County for the protection of the rare Burton Mesa chaparral and associated sensitive species, including Purisima manzanita, shagbark manzanita, silvery legless lizard and San Diego desert woodrat.

Del Mar Mesa/Lopez Ridge consisting of 92 acres in San Diego County for protection of southern mixed chaparral, chamise chaparral, scrub oak chaparral, Diegan coastal sage scrub, vernal pools and associated species, including Orcutt's brodiaea, San Diego mesa mint, San Diego golden star, San Diego button celery, San Diego horned lizard, mountain lion and southern mule deer.

Lake Hodges consisting of 19 acres in San Diego County for protection of Diegan coastal sage scrub, maritime succulent scrub and associated species, including the California gnatcatcher and the coastal cactus wren.

Meadowbrook Ecological Reserve consisting of 150 acres in San Diego County for the protection of Diegan coastal sage scrub, southern mixed/chamise chaparral and associated species, including the California gnatcatcher and Hermes Copper butterfly.

Owl Creek consisting of 1,219 acres in Humboldt County for protection of old growth and young redwood and Douglas fir forests, and associated species, including the marbled murrelet.

Pilgrim Creek consisting of 121 acres in San Diego County for protection of riparian habitat, coastal sage scrub and associated species, including the California gnatcatcher and the least Bell's vireo.

San Diego River consisting of 31 acres in San Diego County for the protection of riparian scrub and associated species, including the least Bell's vireo.

San Luis Rey River consisting of 11 acres in San Diego County for protection of riparian scrub and associated species, including the least Bell's vireo.

Santa Rosa Plain Vernal Pool consisting of 369 acres in Sonoma County for protection of vernal pools, vernal swales and the endangered species they support, including Burke's goldfields, Sonoma sunshine, Sebastopol meadowfoam and California tiger salamander. Four units are proposed for inclusion within this ecological reserve: Hall Road, Todd Road, Wikiup and Yuba Drive. The Todd Road unit is partly comprised of the existing Laguna de Santa Rosa Ecological Reserve, which is proposed for removal from the ecological reserve list to reduce confusion with Laguna Wildlife Area and to simplify management of the property.

The reasons for listing these properties in Title 14 are to regulate public use and provide the best available protection for the species and habitats the properties were acquired to protect. Since the properties contain sensitive species and important vegetation communities, and may act as linkages for other important protected lands, it is necessary and appropriate to provide this level of regulatory protection to prevent improper use and degradation of wildlife resources. In order to do this efficiently, the department has a set of general regulations which apply to all ecological reserves.

The department may write special regulations for individual properties, as it thinks appropriate, to give an additional level of protection, or to permit specific public uses not governed by the general regulations. The department is requesting special regulations for these reserves based on management information gathered which shows these amendments are necessary to protect the habitat or species the properties support.

A special regulation for Ballona Wetlands Ecological Reserve will prohibit access, except as provided in the general regulations, until a restoration project on the property is completed. This restriction is necessary to protect the sensitive resources during the restoration period.

Two special regulations for Burton Mesa Ecological reserve will restrict motor vehicle use to department authorized and public safety purposes to protect the rare chaparral vegetation community, and allow upland game hunting in areas and at times specified by the department. Since hunting is not normally permitted on ecological reserves, the special regulations are necessary when the department determines this public use is appropriate and will cause no impacts to sensitive species and habitat.

Three special regulations for Santa Rosa Plain Vernal Pool Ecological Reserve will prohibit entry without written permission of the department to protect habitat and species, allow public use of a future trail on the Hall Road Unit under conditions established by the regional manager, allow ecological research and environmental education with written permission from the department and allow livestock grazing for habitat management with written permission of the department.

The department proposes to amend special area regulations for the existing Headwaters Forest Ecological reserve to allow the owner of the property, the Bureau of Land Management, to authorize camping and swimming when needed for research and monitoring purposes; and to authorize use of aircraft and motor vehicles for emergency operations, monitoring, research and other management activities.

The department also proposes to remove from the existing list of ecological reserves the Laguna de Santa Rosa Ecological Reserve and include this property within the Todd Road Unit of the new Santa Rosa Plain Vernal Pool Ecological Reserve. This amendment is proposed to eliminate confusion of this area with the Laguna Wildlife Area and to assist management and public use activities.

Three administrative amendments are proposed to correct a spelling error in a special regulation for Buena Vista Ecological Reserve; to revise a numerical reference in a special regulation for China Point Ecological reserve necessitated by addition of new reserves and renumbering of the ecological reserves list; and to list the counties in which the San Joaquin River Ecological Reserve is located, correcting a prior omission of this information.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at Elk Valley Rancheria, 2500 Howland Hill Road, Crescent City, California on Thursday, June 24, 2004, at 10:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mono Memorial Hall, 100 Sinclair Street, Bridgeport, California on August 6, 2004, at 8:30 a.m., or as soon

thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 30, 2004, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 6, 2004 at the hearing in Bridgeport, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Robert R. Treanor or Jon D. Snellstrom at the preceding address or phone number. Kari Lewis, Department of Fish and Game, phone (916) 445-3789, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm/.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following

initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulatory action adds eleven ecological reserves to Title 14 with special regulations for three of them, removes one ecological reserve to include it as a unit within a new reserve, amends special regulations for one reserve and corrects errors in text for three reserves. The proposed regulatory action is proposed to provide maximum protection of wildlife and habitat and to manage appropriate public use. It is not expected to negatively affect businesses, because the regulations are enforced only on the specific properties named.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None
- (c) Cost Impacts on a Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is

proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203 and 355 of the Fish and Game Code, and to implement, interpret or make specific Sections 200, 202, 203, 203.1, 208, 215, 220, 355 and 356 of said Code, proposes to amend Section 300, Title 14, California Code of Regulations, relating to seasons and bag limits for upland game birds.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

1. Permit Ranges for Sage Grouse

Existing regulations [Section 300(a)(1)(D)(4)] allow 100 two-bird permits for the East Lassen Zone, 40 two-bird permits for the Central Lassen Zone, 10 one-bird permits for the North Mono Zone, and 25 one-bird permits for the South Mono and Inyo Zone. Under the current regulatory cycle, the Fish and Game Commission notice hearing date for sage grouse regulation changes occurs in May. However, the final sage grouse population survey results are not available until after the date that the Department must submit proposed regulation changes to the Commission. The Department is proposing a range of maximum and minimum hunting permit numbers to the Commission, with the provision that the actual number of permits recommended for each hunt will be based on strutting ground counts conducted in April.

The proposed ranges are 10 to 375 permits for the East Lassen Zone, 10 to 175 permits for the Central Lassen Zone, 10 to 100 permits for the North Mono Zone, and 10 to 100 permits for the South Mono and Inyo Zone. To allow the Department to recommend appropriate hunting permit quotas which reflect the results of population surveys, ranges of permit quotas are proposed at this preliminary stage of the regulation review process.

2. Change in Zone Boundary for South Mono and Inyo Sage Grouse Hunt Zone

The existing boundary for this zone [Section 300(a)(1)(D)(3)(d)] results in hunting being restricted to areas of lower sage grouse populations. The proposed zone changes would close areas with sparse

sage grouse populations, and focus hunting where most sage grouse occur. Since a permit system is used, only a limited number of birds can be taken.

3. Increased Archery Season Length for Wild Turkeys

The existing archery spring hunting season for turkeys [Section 300(a)(2)(G)(1)(b)] opens on the last Saturday in March, extending for 37 days. Archery hunters have requested an additional two weeks following the end of the existing season, when only archery equipment could be used. The Department believes that this additional archery season would provide more hunting opportunity, yet would result in only a small number of additional gobblers being taken.

4. Amend Licensed Game Bird Club Regulations to Eliminate Outdated Reporting Information

Existing wording in Section 600(a)(7) (Shooting Records Maintenance) requires that forms showing daily and monthly numbers of each species of birds released and taken on Licensed Game Bird Clubs be sent to a specific address that is no longer appropriate. Proposed wording states that these records shall be sent to an address to be determined by the Department. Existing wording also includes a mailing address and telephone number for the License and Revenue Branch in Section 600(a)(1) (Application Form). Proposed wording deletes this information, which is unnecessary in regulatory language.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at Elk Valley Rancheria, 2500 Howland Hill Road, Crescent City, California on Thursday, June 24, 2004, at 10:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mono Memorial Hall, 100 Sinclair Street, Bridgeport, California on August 6, 2004, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 30, 2004, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 6, 2004 at the hearing in Bridgeport, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, Cal-

ifornia 94244-2090, phone (916) 653-4899. Please direct inquiries to Robert R. Treanor or Tracy L. Reed at the preceding address or phone number. John Carlson, Jr., Department of Fish and Game, phone (916) 445-3555 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm/.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation change is sufficiently minor that there would be no significant economic impact to businesses.
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses

or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections: 200, 202, 203, 355, 713, 1050, 1526, 1528, 1530, 1570-72, 1765, and 10504, of the Fish and Game Code, and to implement, interpret or make specific Sections: 355, 711, 713, 1050, 1055.3, 1526, 1528, 1530, 1570-1572, 1585, 1764, 1765, 2006, and 10504, of said Code, proposes to amend Section 630, Title 14, California Code of Regulations, relating to Regulations for Hunting and Other Public Uses on State and Federal Areas.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing regulations in sections 550, 551, and 552, Title 14, CCR provide for various types of public uses on wildlife areas administered by the Department of Fish and Game (Department). The Department also

administers the waterfowl hunt program on a number of Federal wildlife refuges. The Department is proposing several regulatory changes to provide greater clarity, impose necessary use restrictions, and increase public use opportunities.

Section 550

Subsection 550(a)(10) (Cache Creek Wildlife Area) would be amended to delete the Destanella Flat Unit and Colusa County, and to add the North Fork Cache Creek Unit to the Cache Creek Wildlife Area. The Destanella Flat Unit was purchased by the Rocky Mountain Elk Foundation and managed by the Department until its sale to the Bureau of Land Management in 1999. The North Fork Cache Creek Unit has been owned by the Department since 1988, but was never formally designated a unit of the wildlife area.

Subsection 550(a)(11) (Camp Cady Wildlife Area) would be amended to correct the spelling for San Bernardino County.

Subsection 550(a)(15) would be amended to add Clear Lake Wildlife Area (Lake County), including the Rodman Slough Unit (Type C) The 97.21 acre parcel was purchased by the Department on February 18, 2000 in conjunction with an adjacent 133 acre parcel that was deeded to the Lake County Land Trust. Only the Rodman Slough Unit will become part of the Clear Lake Wildlife Area. The purpose of the purchases was to protect public access for hunting and fishing.

Subsection 550(a)(35) would be amended to add Fitzugh Creek Wildlife Area (Modoc County) (Type C). The 2,100 ± acres were recently acquired by the Department to protect and restore riparian and stream habitats, and protect sensitive species such as willow flycatcher, sandhill crane, and winter deer and antelope range. The acquisition will increase public use opportunities such as fishing, hunting, hiking, and birding.

Subsections 550(a)(85) (San Jacinto Wildlife Area) would be amended to add a December 2003, 9,100 acre acquisition, designated the Potrero Unit, to the San Jacinto Wildlife Area. The proposed amendment would also designate the existing wildlife area, the Davis Road Unit. New regulations would be proposed for the Potrero Unit to regulate and manage public use. The existing wildlife area regulations would not be amended and would apply only to the Davis Road Unit.

Subsections 550(a)(73) (Oroville Wildlife Area) and (97) (Spenceville Wildlife Area) would be amended to change Oroville and Spenceville Wildlife Areas from Type C to Type B wildlife areas. Both Oroville and Spenceville Wildlife Areas are located adjacent to growing urban areas. Hunting of game species and increased general public uses such as hiking, bicy-

cling, nature viewing, etc., are beginning to stress wildlife using these areas. The area manager believes that limiting hunting to Saturdays, Sundays and Wednesdays will actually increase hunter opportunity and quality by not pushing wildlife into inaccessible marginal areas. The amendments will also ease public use conflicts and improve public safety.

Subsection 550(b)(4) (Permit Requirements). The existing regulation does not clearly state that wildlife area users must return their entry permit upon departing any State wildlife area or portion thereof where the department has limited public entry. The proposed amendment would clearly state that any person entering any State wildlife area with limited entry must complete and return the entry permit to the checking station, or drop box.

Subsection 550(b)(14) (Use of dogs and Field Trials). The existing regulation is confusing and could lead users to believe dog training is permitted in all maintained areas on the wildlife area, which could include sensitive habitat areas. The proposed amendment would clarify that dog training is permitted only in designated areas.

Section 551

Subsection 551(h)(2) (Issuance of One-day Entry Permits). The existing regulation is confusing to some 16 and 17 year old hunters causing them to question whether or not they can hunt by themselves, without an adult. The proposed amendment would state clearly that persons 16 or 17 years of age, in possession of a valid resident or nonresident hunting license, will be issued an entry permit and may hunt by themselves, but may not be accompanied by junior hunters.

Subsections 551(h)(4) (Issuance of One-day Entry Permits), 551(i) (Daily Entry Permit Revocations, Refusals, and Ejections) and 551(o)(3) (Penalties). The existing regulations do not apply penalties in a consistent manner for violations by unruly hunters and/or their nonhunting guests throughout the hunting season. Wildlife area managers state that current regulations which bar or eject a person, or revoke a permit, on any State operated wildlife area or Federal wildlife refuge, only do so from the date the violation is discovered for the remainder of the current season or year. State wildlife area and Federal wildlife refuge managers state that persons violating the regulations late in the hunting season (such as the waterfowl season) may only be banned from these areas for as little as one day or week, while early season violators are subject to being banned for the entire season for the same violation. The proposed changes to the regulations would bar or eject a person, or revoke a permit under the above circumstances and would increase the penalty for unruly behavior and/or

dangerous conduct by hunters and nonhunting guests for one calendar year from the date the violation is discovered.

Subsection 551(i) (Daily Entry Permit Revocations, Refusals, and Ejections). The existing regulation currently states that the decision of the Department employee in charge of the area shall be final. The proposed change to the regulation would more fully describe to public users specifically which Department employees have the authority to revoke or refuse to issue, a Daily Entry Permit, or have the authority to eject them from Type A wildlife areas or refuges, or Type B wildlife areas. The change to the regulation would amend the wording to state that Department employees assigned management or enforcement responsibilities for the area would have the authority to enforce the regulation. The amendment would make the wording in Subsection 551(i) consistent with similar wording used in Subsection 551(b)(21).

Subsection 551(j)(5) (Reservations). The existing regulation states that non-shooters shall not discharge or possess a firearm on the area, but is silent as to whether or not non-shooters can possess ammunition. The proposed regulation would prohibit non-shooters from possessing ammunition on the area. There is no need for non-shooters to possess ammunition and a this change in language would preclude the possibility of a non-shooter from carrying additional shot shells that shooters already possessing the 25 shot shell limit could use. Law enforcement staff currently have no legal authority to cite non-shooters for possessing ammunition while on State wildlife areas and Federal refuges.

Subsection 551(q) (ADDITIONAL REGULATIONS FOR SPECIFIC AREAS). Existing regulations would be amended to delete the Destanella Flat Unit and Colusa County, and to add the North Fork Cache Creek Unit to the Cache Creek Wildlife Area. The Destanella Flat Unit was purchased by the Rocky Mountain Elk Foundation and managed by the Department until its sale to the Bureau of Land Management in 1999. The North Fork Cache Creek Unit has been owned by the Department since 1988, but was never formally designated as unit of the wildlife area.

Subsections 551(q) (ADDITIONAL REGULATIONS FOR SPECIFIC AREAS), 551(q)(33) (Oroville Wildlife Area) and 551(q)(39) (Spenceville Wildlife Area). The existing regulations designate the Oroville and Spenceville Wildlife Areas Type C wildlife areas. The proposed amendments to the regulations would change Oroville and Spenceville Wildlife Areas to Type B wildlife areas. The amendments would also bring the two areas into consistency with other Type B wildlife areas, and with Subsections 551(d) (1) and (2) which define permitted hunt days on

Type B areas. Both the Oroville and Spenceville Wildlife Areas are located adjacent to growing urban areas. Hunting of game species and increased general public uses such as hiking, bicycling, nature viewing, etc., are beginning to stress wildlife using these areas. The area manager believes that limiting hunting to Saturdays, Sundays, and Wednesdays will actually increase hunter opportunity and quality by not pushing wildlife into inaccessible marginal areas. The amendments will also ease public use conflicts, improve public safety.

Subsections 551(q) (ADDITIONAL REGULATIONS FOR SPECIFIC AREAS) and 551(q)(35)(A)(B) and (C) (Red Lake Wildlife Area). The existing regulations do not provide adequate protection to the habitat and sensitive wildlife species using the wildlife area. The regulations would be amended to limit and control inappropriate public use and reduce risk of accidental wildfires on the wildlife area by specifying when hunting is permitted, which species may be taken and prohibiting trailers and camping on the area. The wildlife area was originally acquired to provide fishing access to Red Lake, to protect summer mule deer range and to provide and protect habitat for upland game bird species, willow flycatchers and other sensitive wildlife species including pine marten and fisher.

Subsection 551(q) (ADDITIONAL REGULATIONS FOR SPECIFIC AREAS), 551(q)(76)(A) (Davis Road Unit) and (B)(1) through (11) (Potrero Unit) (San Jacinto Wildlife Area). The regulations would be amended to create the Davis Road Unit and Potrero Units of San Jacinto Wildlife Area. The units would be added to the listings in subsection 551(q). Subsection 551(q)(76)(B)(1) through (11) would be proposed to regulate public use on the Portreo Unit.

Subsection 551(q)(10)(A) (Method of Take Restrictions) and (E) (Special Restrictions) (Horseshoe Ranch Wildlife Area). The existing regulations include provisions to accommodate the M-2 deer season. Due to declining deer numbers, the M-2 muzzleloader hunt has been eliminated. Consequently the wildlife area is no longer holding the special M-2 hunt. The regulations would be amended to delete all reference to the M-2 hunt in subsection (A), and would eliminate subsection (E) in its entirety.

Subsection 551(q)(11)(E) (Lake Earl Wildlife Area) (Special Restrictions) and Subsection 551(13)(E) (Mad River Wildlife Area) (Special Restrictions). The existing regulations for both wildlife areas require that dogs be on leash from March 1 through August 15. Public users have increasingly disregarded these regulations despite significant efforts by staff to educate them on the reasons dogs must be on leash while on the two areas. Staff reports that the use of dogs for regulated hunting during authorized seasons

has not posed a problem on either wildlife area when they are under the control of the hunter, and hunting takes place outside of the ground bird breeding season. This information along with warnings that the Department was considering additional restrictions to protect the wildlife areas from uncontrolled dog use was posted at entry points and throughout both wildlife areas. During the above period, 214 dogs and their owners were observed using the Lake Earl Wildlife Area. Only 37 were in compliance with the regulation. On the Mad River Wildlife Area, staff observed 26 dogs and their owners using the Wildlife area. Only one was in compliance. Staff have determined that there are other nearby areas that can accommodate dogs and their owners and are thereby proposing that dogs would not be allowed on either of the wildlife areas except for hunting during open season for authorized species. The Department has determined that the use of dogs for hunting is not detrimental to wildlife.

Subsection 551(q)(15)(D) (Shasta Valley Wildlife Area) (Special Restrictions). The existing regulations allow hunters and non-hunters to access the wildlife area during the waterfowl hunting season. Nonhunting activities include hiking, horseback riding, mountain biking, and site seeing. Use of the 2,870 acre wildlife area has increased measurably in recent years, particularly during the waterfowl hunting season. This increase has resulted in instances of non-hunter/hunter conflicts both in closed zone and other areas, and sometimes including designated hunt zones. There has also been a noticeable disturbance to wildlife. Staff has tried various management techniques over the last six years to solve the problem, without success. The proposed amendment to the regulation would allow only individuals possessing a Type A or Type B season pass and their guests to enter the Shasta Valley Wildlife Area, on Wednesdays, Saturdays and Sundays, during the waterfowl hunting Season. Other public users would still be allowed to use the wildlife area, on non-hunting days during the waterfowl season, and during the rest of the year.

Subsection 551(q)(23)(A) (Daugherty Hill Wildlife Area) (Method of Take Restrictions). The existing regulation does not permit the use of air rifles, firing pellets, for taking wild turkey on the area. Subsection 311(f) allows the use of pellet rifles (0.20 caliber or larger for taking wild turkeys and small game) and Section 551(b)(2) allows the use of pellet rifles on Type C Wildlife areas, unless otherwise prohibited. The regulations would be amended to increase hunter opportunity by allowing the use of pellet rifles as defined in the subsections noted above, to take wild turkey in designated areas on the wildlife area.

Subsection 551(q)(23)(D) (Daugherty Hill Wildlife Area) (Camping and Trailers). The existing regulation does not allow camping and trailers on the wildlife area. The proposed amendment to the regulations, although not allowing camping, would allow for overnight parking of trailers in designated parking lots to accommodate hunters and other public users that arrive at the wildlife area, towing trailers.

Subsection 551(q)(23)(E) (Daugherty Hill Wildlife Area) (Special Restrictions). The existing regulations do not preclude licensed hunters from bringing dogs that are not used for hunting activities. The regulation would be amended to clarify that dogs may only be used by licensed hunters, and for the purpose of hunting. The regulations currently states that horses and bicycles are allowed only from May 1 to September 15, on the Daugherty Hill Unit of the wildlife area. The regulations would be amended to change the beginning date to May 10, in order to prevent overlap with the end of the spring turkey season. "Daugherty Hill" has been added to the last sentence in these regulations for clarity purposes.

Subsection 551(q)(26)(B) (Fremont Weir Wildlife Area) (Hunt Days) and Subsection 551(q)(26)(E) (Special Restrictions). The existing regulations allow hunting daily during open seasons for authorized species, and with a special restriction allowing hunting only from September 1 through January 31. The regulations will be amended to increase hunter opportunity by allowing hunting daily from July 1 through January 31 for authorized species, as well as during the spring turkey season. Subsection 551(q)(26)(E) (Special Restrictions) will be deleted. It is no longer applicable since this regulation is covered in the amended Subsection 551(q)(26)(B).

Subsection 551(q)(26)(C) (Fremont Weir Wildlife Area) (Authorized Species). The existing regulation allows only for pheasants, doves, quail, and waterfowl to be taken on the wildlife area. This regulation would be amended to increase hunter opportunity by allowing all legal species to be taken.

Subsection 551(q)(27)(B) (Hunt Days) and (D) (Authorized Species) (Gray Lodge Wildlife Area). The existing regulations do not permit hunting of quail on the wildlife area. The regulations would be amended to increase hunter opportunity by adding quail to the list of authorized species, and would specify in that hunting of quail is only allowed on pheasant hunt days, along with rabbits which are currently hunted on pheasant hunt days.

Subsection 551(q)(27)(E) (Gray Lodge Wildlife Area) (Camping and Trailers). The existing regulations do not prevent public users on the wildlife area from leaving cabover campers at the checking station parking lot where camping is permitted, causing a crowding problem, particularly during the waterfowl

hunting season. These campers are often left on the wildlife area for long periods of time without being used. Since cabover campers are not a motor vehicle, they are not registered making it difficult or even impossible for staff to identify the owners. It is also time consuming to remove abandoned cabover campers or camper shells since they must be declared as abandoned property which is a lengthy process. The regulation would be amended to require that all cabover campers be attached to a registered vehicle which would allow law enforcement to quickly remove them if the Department determines they are illegally parked in the checking station parking lot or camping area.

Subsection 551(q)(28) (D) (Hallelujah Junction Wildlife Area) (Special Restrictions). The existing regulations, though not allowing hunting on the area during the period February 1 through April 30, do permit general public entry to the area. The proposed amendment to the regulation would close the area to all public entry from February 1 through April 30 and require all public users to access the wildlife area at the designated entry point adjacent to Highway 395. The wildlife area was acquired to preserve and protect critical winter range habitat and to maintain and protect the traditional migration corridors(s) of the Loyalton-Truckee deer herd from the encroachment of residential development. Residential development, particularly on the Nevada side of the property, is expanding resulting in increased public use. Unauthorized vehicles, including motorcycles and all terrain vehicles, trespass on the wildlife area, causing severe stress to the Loyalton-Truckee deer herd, during one of the most critical times of the year, their last trimester of pregnancy. This time of year is also important to the overall health of all the deer wintering on the area. Many off road users are accessing the area at unauthorized points from adjacent public and private land. This change in the regulation will not affect public hunting on the area, since all hunting ceases on January 31.

Subsections 551(q)(33)(B) (Oroville Wildlife Area) (Hunt Days) and 551(q)(39)(A) (Spenceville Wildlife Area) (Hunt Days). The existing regulations for these wildlife areas are for Type C wildlife areas, but are proposed to become Type B wildlife areas. The proposed amendments to the regulations would bring the two areas into consistency with other Type B wildlife areas and with Subsections 551(d)(1) and (2), which define permitted hunt days on Type B areas. Both the Oroville and Spenceville Wildlife Areas are located adjacent to growing urban areas. Hunting of game species and increased general public uses such as hiking, bicycling, nature viewing, etc., is beginning to stress wildlife in these areas. The area manager believes that limiting hunting to Saturdays, Sundays

and Wednesdays will actually increase hunter opportunity and quality by not pushing wildlife into inaccessible marginal areas. In addition, dove hunting would be allowed daily during for the first fifteen days of the early dove hunting season on both areas. The amendments will also ease public use conflicts and improve public safety on the two wildlife areas.

Subsections 551(q)(35)(A) (Hunt Days), (B) (Authorized Species), and (C) (Camping and Trailers) (Red Lake Wildlife Area). The existing general regulations in Sections 550 and 551 do not provide adequate protection to the habitat and sensitive wildlife species using the wildlife area. The regulations would be amended to limit and control inappropriate public use and reduce the risk of accidental wildfires on the wildlife area by specifying when hunting is permitted, which species may be taken, and would prohibit trailers and camping on the area. The wildlife area was originally acquired to provide fishing access to Red Lake, to protect summer mule deer range and provide and protect habitat for upland game bird species, willow flycatchers and other sensitive wildlife species including pine marten and fisher.

Subsection 551(q)(37)(C) (Sacramento Bypass Wildlife Area) (Authorized Species). Existing regulations only allows hunting of upland game and waterfowl species. The regulation would be amended to increase hunter opportunity by allowing all legal species, except big game species, to be hunted while in season. The area manager states that the existing regulation is confusing to some hunters who are not sure if they can hunt rabbits and other game species.

Subsection 551(q)(38)(B) (Hunt Days) and (E) (Special Restrictions) (Sacramento River Wildlife Area). The existing regulations do not accurately reflect the intent of the wildlife area management plan which recommends regulatory consistency with the nearby Feather River Wildlife Area. Subsection (B) would be amended to adopt language similar to the language used for the Feather River Wildlife Area, which allows hunting daily from July 1 through January 31, and during the spring turkey season. Subsection (E) would be deleted as it is now covered in subsection (B), and is no longer necessary.

Subsection 551(q)(42)(D) (Upper Butte Basin Wildlife Area) (Camping). The existing regulation permits trailers and motor homes only in checking station parking lots. The proposed amendment to the regulation would add language for clarity, stating that trailers and motor homes shall not be allowed past checking station parking lots. This change would prevent large vehicles and trailers from becoming stuck, or stranded on narrow levee roads, as there are no safe areas to make U turns. The amendment would also prevent damage to roads and levees by large vehicles during periods of ground saturation.

Subsection 551(q)(44)(B) (Yolo Bypass Wildlife Area) (Hunt Days). The existing regulations allow pheasant hunting only on waterfowl hunt days that occur during the pheasant season. The proposed amendment to the regulations would increase hunter opportunity to hunt pheasant on the wildlife area by allowing pheasants to be hunted each day during the first nine days of the general pheasant season and then on Saturdays, Sundays, and Wednesdays, during the remainder of the pheasant season.

Subsection 551(q)(44)(D) (Yolo Bypass Wildlife Area) (Camping and Trailers). The existing regulation states that camping and trailers are not allowed. The proposed amendment to the regulation would also prohibit overnight parking of trailers and motor homes on the wildlife area. Staff believe the amendment is necessary because some users believe they may park their motor homes and trailers overnight on the wildlife area, even though they claim they are not camping.

Subsection 551(q)(44)(E) (Yolo Bypass Wildlife Area) (Special Restrictions). The existing regulations do not require hunters hunting from blinds to hunt only from their assigned blinds. The proposed amendment to regulations would prohibit hunters from hunting outside their assigned blind, except to retrieve downed birds. The regulation is necessary to prevent hunters from hunting outside their blind, causing disturbance to other hunters working the same general area. The regulation would also be amended to make it clear that pheasant hunting is not permitted in the assigned blind areas of the wildlife area, in order to prevent disturbance to other hunters using the area. The amended regulations would prohibit hunters from accessing the free-roam hunt area from locations north of parking lot H. This change would preclude hunters from entering the area from the north disturbing hunters already in the field. The regulations would also be amended to restrict exit and entry to the wildlife area to designated locations, and would prohibit stopping vehicles between parking areas to drop off passengers or equipment.

Subsection 551(q)(46)(D) (Cache Creek Wildlife Area) (Special Restrictions). The existing regulations do not control and manage equestrian and mountain bike use in the Harley Gulch Unit of the wildlife area. Equestrian and bicycle use on the wildlife area is currently restricted annually under Subsection 550(b)(1) (Regional Managers Authority). These regulations will be amended to allow horses and bicycles within the Harley Gulch Unit of the wildlife area only from the third Saturday in April through the third Saturday in November. This is to control trail damage and erosion caused in winter by equestrians' and bike riders' use of the trail system.

Subsection 551(q)(47)(B) (Grizzly Island Wildlife Area) (Hunt Days). The existing regulations do not allow the hunting of snipe during the first 12 days of the general pheasant season, except on waterfowl hunt days. The proposed amendment to the regulation would increase hunter opportunity by removing snipe from the list of species restricted from hunting by allowing hunting only on Saturdays, Sundays and Wednesdays, during open seasons.

And, would permit snipe to be taken on waterfowl hunt days and pheasant hunt days including the first 12 days of the general pheasant season.

Subsection 551(q)(47)(F) (Grizzly Island Wildlife Area) (Special Restrictions). The existing regulations, restrict fires to portable gas stoves, throughout the year, but is not clear as to where they may be used. The proposed amendment would clearly state that portable gas stoves are to be used only in designated parking areas and sites.

Subsection 551(q)(61)(A)(5) (Cottonwood Creek Wildlife Area) (Special Restrictions). The existing regulation for the Lower Cottonwood Creek Unit of the wildlife areas does not clearly specify hunting hours that are allowed. The proposed amendment to the regulations would clarify that hunting is permitted only during daylight hours.

Subsection 551(q)(61)(B)(6) (Cottonwood Creek Wildlife Area) (Special Restrictions). The existing regulations for the Upper Cottonwood Creek Unit of the wildlife areas does not clearly specify hunting hours that are allowed. The proposed amendment to the regulations would clarify that hunting is permitted only during daylight hours.

Subsection 551(q)(63)(G) (Little Panoche Reservoir Wildlife Area) (Special Restrictions). The existing regulation does not clearly specify hunting hours that are allowed. The proposed amendment to the regulations would clarify that hunting is permitted only during daylight hours. The regulation would also be amended to clarify that motor vehicles are allowed only in designated areas and only during authorized dog trials.

Subsection 551(q)(66)(E) (North Grasslands Wildlife Area) (Special Restrictions). The proposed amendment to the regulation is for clarity. The existing regulations state that horseback riding is allowed during authorized dog trials only. The proposed amendment to the regulation would reword the phrase to allow horseback riding only in conjunction with authorized dog trials. The regulation would also be amended to allow the area manager to close the wildlife area to all public uses for seven days following the close of waterfowl season. This is to allow staff to accomplish post season maintenance and cleanup activities.

Subsection 551(q)(67)(F) (O'Neill Forebay Wildlife Area) (Special Restrictions). The existing regulations would be amended for clarity and would state that motor vehicles are permitted only in designated areas and only during authorized dog trials. The existing regulation does not specify what hours during the day hunting is allowed. The proposed amendment to the regulation would clarify that hunting is permitted during daylight hours only.

Subsection 551(q)(68)(F) (San Luis Reservoir Wildlife Area) (Special Restrictions). The existing regulation does not specify what hours during the day that hunting is allowed. The proposed amendment to the regulation would clarify that hunting is permitted during daylight hours only.

Subsection 551(q)(75)(A) (San Felipe Valley Wildlife Area) (Method of Take Restrictions). The proposed amendment is for clarity and would adjust the existing language in the regulations to allow for the hunting of predators and antlerless deer on the west side of Highway S-2. The current restrictions on rifles and pistols west of Highway S-2 were developed to limit the take of bucks to provide for a higher buck to doe in the area. The resulting prohibition of hunting predators and antlerless deer was inadvertent. The proposed amendment to the regulations would allow for the hunting of both predators and antlerless deer on the entire wildlife area while still limiting the take of bucks through the general D-16 tag restriction. Additionally, the proposed amendment to the regulations will allow for buck hunting during the D-16 general deer season (archery and shotgun), special hunt A-22 (archery), and special hunt M-6 (muzzle-loader).

Subsection 551(q)(75)(E) (San Felipe Valley Wildlife Area) (Special Restrictions). The regulation would be amended to clearly state that D-16 general deer zone tags may not be used west of Highway S-2.

Subsection 551(q)(76)(A) (Davis Road Unit) (San Jacinto Wildlife Area). The existing regulation would be amended to create two distinct units of the wildlife area, the Davis Road Unit and the Potrero Unit.

Subsection 551(q)(76)(B) (1) through (11) (Potrero Unit) (San Jacinto Wildlife Area). The existing regulation would be amended to add new recreational opportunities for a range of public uses on the Potrero Unit of the wildlife area. The addition of the proposed regulations would allow the Department to establish access to the area at designated entry and exit points and control public access through use of a day pass. The proposed regulations will allow for hunting of upland game and resident small game species in designated areas, and allow dogs on the area which must be on a leash unless actively involved in legal hunting or other authorized activity. The proposed

regulations would also permit the Department to designate trails or routes on the area for bicycles. Paintball guns, parts and supplies would be prohibited. Overnight camping, fires and alcohol possession and/or consumption would be prohibited. Motorized vehicles would be prohibited except by written permission of the regional manager

Subsection 552(a)(6)(G) (San Luis National Wildlife Refuge). The proposed amended regulation would make it clear that the only way to access the Freitas Unit is by boat.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at Elk Valley Rancheria, 2500 Howland Hill Road, Crescent City, California on Thursday, June 24, 2004, at 10:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mono Memorial Hall, 100 Sinclair Street, Bridgeport, California on August 6, 2004, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 30, 2004, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 6, 2004 at the hearing in Bridgeport, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Robert R. Treanor or Jon D. Snellstrom at the preceding address or phone number. John Anderson, Department of Fish and Game, phone (916) 445-3472, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm/.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal

regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. These actions are proposed to provide maximum protection of wildlife and habitat, clarity to language and appropriate management for public use. These regulation changes are sufficiently minor that any economic impact, positive or negative, would not be significant.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None
- (c) Cost Impacts on a Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the State Capitol, Room 112, Sacramento, CA 95814 on July 22, 2004. Written comments must be received by the Board of Chiropractic Examiners at 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833-2931, or by fax at 916/263-5369, or by e-mail addressed to lmattthew@chiro.ca.gov no later than 5:00 p.m. on July 22, 2004, or must be received by the Board at the hearing. The Board of Chiropractic Examiners, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 4(b) of the Chiropractic Initiative Act [Section 1000-4(b) of the Business and Professions Code] and to implement, interpret or make specific Section 5 of the Chiropractic Initiative Act [Section 1000-5 of the Business and Professions Code], the Board of Chiropractic Examiners is considering changes to Division 4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Revise Section 306.1. Chiropractic Quality Review Panel (CQRP). Section 4(b) of the Chiropractic Initiative Act [Section 1000-4(b) of the Business and Professions Code] gives the Board the responsibility for implementing regulations they deem necessary for the performance of its work in order to maintain a high standard of professional services and the protection of the public.

Currently Section 306.1 mandates the board to establish a CQRP by county throughout California to hear cases referred by the board's executive director. Because of the fiscal climate and difficulty in recruiting panelist, the proposed amendment will provide the board with the discretion to initiate the CQRP by removing the mandatory language from the current section.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states, since it is only directed at unlicensed individuals.

Impact on Jobs/New Businesses: The Board of Chiropractic Examiners has determined that this regulatory proposal will not affect the creation or elimination of jobs, the creation of new businesses or the elimination of existing business, or the expansion of businesses currently doing business, within the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in complying with the proposed amendment.

Housing Costs: The Board has made an initial determination that the proposed regulatory action will not affect housing costs.

Small Business Impact: The proposed amendment may affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board of Chiropractic Examiners must determine that no reasonable alternative which it consid-

ered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Chiropractic Examiners has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

FEDERAL LAW

The proposed amendments do not duplicate or conflict with any federal law.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from:

Board of Chiropractic Examiners
Lavella Matthews, Regulations Coordinator
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833-4306

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at the above address.

As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulation, and the initial statement of reasons.

CONTACT PERSON

Inquiries concerning the proposed administrative action and inquiries regarding the substance of the proposed regulation may be addressed to Lavella Matthews at the above address or at 916/263-5355. An alternative contact for information regarding the proposed amendment is Kim Smith at the above address or at 916/263-5355.

When prepared, copies of the final statement of reasons will be available from the contacts listed above.

INTERNET ACCESS OF DOCUMENTS

Copies of the documents referred to in this notice are available via internet at www.chiro.ca.gov.

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the State Capitol, Room 112, Sacramento, CA 95814 on July 22, 2004. Written comments must be received by the Board of Chiropractic Examiners at 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833-2931, or by fax at 916/263-5369, or by e-mail addressed to lmattthew@chiro.ca.gov no later than 5:00 p.m. on July 22, 2004, or must be received by the Board at the hearing. The Board of Chiropractic Examiners, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 4(b) of the Chiropractic Initiative Act [Section 1000-4(b) of the Business and Professions Code] and to implement, interpret or make specific Section 5 of the Chiropractic Initiative Act [Section 1000-5 of the Business and Professions Code], the Board of Chiropractic Examiners is considering changes to Division 4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt Section 361. Manipulation Under Anesthesia: Section 4(b) of the Chiropractic Initiative Act [Section 1000-4(b) of the Business and Professions Code] gives the Board the responsibility for implementing regulations they deem necessary for the performance of its work in order to maintain a high standard of professional services and the protection of the public.

Currently Section 302, Practice of Chiropractic allows chiropractors to manipulate and adjust the spinal column and other joints of the human body and there is no prohibition to the use of anesthesia in order to complete these manipulations. However, presently there is no regulation in effect that will ensure patient protection during treatment of manipulation under

anesthesia (MUA). The adoption of Section 361 will enact a regulation which specifies the training required of licensees performing MUA procedures and define conditions under which the procedures may be performed.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made a determination that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing business within the State of California, or the expansion of businesses currently doing business within the State of California.

Impact on Jobs/New Businesses: The Board of Chiropractic Examiners has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in complying with the proposed amendment.

Housing Costs: The Board has made an initial determination that the proposed regulatory action will not affect housing costs.

Small Business Impact: The proposed amendment may affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board of Chiropractic Examiners must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Chiropractic Examiners has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

FEDERAL LAW

The proposed amendments do not duplicate or conflict with any federal law.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from:

Board of Chiropractic Examiners
Lavella Matthews, Regulations Coordinator
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833-4306

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at the above address.

As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulation, and the initial statement of reasons.

CONTACT PERSON

Inquiries concerning the proposed administrative action and inquiries regarding the substance of the proposed regulation may be addressed to Lavella Matthews at the above address or at 916/263-6465. An alternative contact for information regarding the proposed amendment is Kim Smith at the above address or at 916/263-5355.

When prepared, copies of the final statement of reasons will be available from the contacts listed above.

INTERNET ACCESS OF DOCUMENTS

Copies of the documents referred to in this notice are available via Internet at www.chiro.ca.gov.

Title 16. PHYSICAL THERAPY BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs Howe Avenue Complex, Greg Gorges Conference Room, 1424 Howe Avenue, Sacramento, CA 95825, (916) 561-8200 on Tuesday, August 3, 2004. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under

Contact Person in this Notice, must be received by the Physical Therapy Board of California at its office not later than 5:00 p.m. on July 19, 2004 or must be received at the hearing. The Physical Therapy Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 2615 of the Business and Professions Code to implement, interpret or make specific Sections 2660, 2660.1, 2661 and 2661.5 of said Code and Section 11425.50(e), Government Code, the Physical Therapy Board of California is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

(1) Amend section 1399.15

Senate Bill 523 (Stats. 1995, Chapter 938; Kopp) provides that a penalty in any administrative disciplinary action may not be based on a guideline unless it has been adopted as a regulation in accordance with the Administrative Procedures Act. (Government Code Section 11425.50(e); Operative 07/01/97 [Stats. 1995, Ch. 938, Sec. 98])

On January 31, 1997 the Board adopted the document entitled "Disciplinary Guidelines" and subsequently incorporated the guidelines by reference into regulation later that year.

The Disciplinary Guidelines is a manual addressing public protection while enabling the licensee to practice their profession in a controlled environment.

The Board has since produced the 2nd edition of the guidelines, and changed the name of the document to the "Model Guidelines for Issuing Citations and Imposing Discipline", to more accurately reflect its purpose and intended use by the public, and those subject to the issuance of a citation and fine, as well as those involved in the disciplinary process: Administrative Law Judges, Deputy Attorneys General, Members of the Board who review proposed decisions and stipulations and make final decisions, its Executive Officer and staff, and respondents and their counsel. The Board proposes to incorporate the 2nd edition of

the Model Guidelines into regulation by reference which includes additional violations and modifications of the penalties to be consistent and appropriate to the practice of physical therapy. Additionally, there have been changes to the physical therapy laws and regulations that are not reflected in the January 31, 1997 publication of the guidelines thereby hindering the Board's ability to effectively impose an action which would enable a licensee to continue to practice while effectively protecting the public.

A copy of the text of the Model Guidelines is available from the Board upon request.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

- 1) SB 523 (Kopp) Stats. 1995, Ch. 938
- 2) Physical Therapy Board of California's "Disciplinary Guidelines" adopted January 31, 1997.

Impact on Jobs/New Businesses: None

The Physical Therapy Board of California has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities: The Physical Therapy Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Physical Therapy Board of California has determined that the proposed regulations would not affect small businesses because it only affects individual licensees.

CONSIDERATION OF ALTERNATIVES

The Physical Therapy Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of the reasons and all of the other information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physical Therapy Board of California at 1418 Howe Avenue, Suite 16, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be addressed to:

Rebecca Marco
1418 Howe Avenue, Suite 16
Sacramento, CA 95825
(916) 561-8260
(916) 263-2560—Fax Number
Rebecca_Marco@dca.ca.gov
The backup contact person is:
Steve Hartzell
1418 Howe Avenue, Suite 16
Sacramento, CA 95825
(916) 263-2550
(916) 263-2560—Fax Number
Steve_Hartzell@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Rebecca Marco at (916) 561-8260.

Website Access: Materials regarding this proposal can be found at www.ptb.ca.gov.

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE UNIHOSE DISPENSER REQUIREMENTS IN THE REGULATION FOR CERTIFICATION OF VAPOR RECOVERY SYSTEMS OF DISPENSING FACILITIES (GASOLINE SERVICE STATIONS)

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the regulations for certification of vapor recovery systems installed at gasoline dispensing facilities (service stations and similar facilities).

DATE: July 22, 2004
TIME: 9:00 a.m.
PLACE: California Environmental
Protection Agency
Air Resources Board
Central Valley Auditorium,
Second Floor
1001 I Street
Sacramento, CA 95814

This item will be considered at a two-day meeting of the ARB, which will commence at 9:00 a.m., July 22, 2004, and may continue at 8:30 a.m., July 23, 2004. This item may not be considered until July 23, 2004. Please consult the agenda for the meeting, which will be available at least 10 days before July 22, 2004 to determine the time when this item will be considered.

If you have a disability-related accommodation need, please go to

<http://www.arb.ca.gov/html/ada/ada.htm>
for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please go to

<http://inside.arb.ca.gov/as/eeo/languageaccess.htm>
or contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to section 94011, title 17, California Code of Regulations (CCR) and the documents incorporated by reference therein.

BACKGROUND

The Air Resources Board (Board or ARB) certifies the vapor recovery equipment that is used in service stations or gasoline dispensing facilities (GDFs). Control of the emissions from GDFs is necessary to reduce emissions that lead to the formation of ozone and to control emissions of benzene, a constituent of gasoline vapor that has been identified as a toxic air contaminant. The ARB is currently implementing the Enhanced Vapor Recovery (EVR) program, which requires that vapor recovery systems be compatible with fueling onboard refueling vapor recovery (ORVR) vehicles by April 1, 2005. The EVR program requires several additional standards to be met by April 1, 2009.

NEED FOR AMENDMENT AND ADOPTION

Section 4.11 of CP-201, "Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities," describes the requirements for unihose dispensers. Section 4.11 currently triggers replacement of some dispensers if more than 50% of the dispenser vapor piping is modified. Modification of the dispenser vapor piping is necessary for some ORVR compatibility system upgrades. Gasoline marketers recently commented that costs to upgrade to ORVR compatible systems could be as high as \$75,000 per station where dispenser replacement is required. This cost increase reduces the cost-effectiveness of the ORVR compatibility requirement. Therefore, the amendments are needed to eliminate high costs associated with dispenser replacement for GDF operators who must upgrade to ORVR compatible vapor recovery systems by April 1, 2005.

SUMMARY OF STAFF PROPOSAL

ARB staff proposes to revise section 4.11 of CP-201, "Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities," and to amend title 17, CCR, sections 94011, which incorporates CP-201 by reference.

The proposed amendment will remove language that triggers conversion to a unihose dispenser when modifying vapor piping in the dispensers. Section 4.11 will still require unihose dispensers for new facilities and for facilities that replace more than 50% of the dispensers. Dispensers that must be replaced due to damage resulting from an accident or vandalism may be replaced with the previously installed dispenser type.

COMPARABLE FEDERAL REGULATIONS

There are no comparable federal regulations that certify gasoline recovery systems for service stations; however, changes to ARB vapor recovery regulations

have a national impact. ARB certification is required by most other states which mandate Phase I or Phase II vapor recovery at service stations.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSON

The ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action that includes a summary of the environmental and economic impacts of the proposal. The report is entitled: "Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Public Hearing to Consider Proposed Amendments to the Unihose Dispenser Requirements in the Regulation for Certification of Vapor Recovery Systems of Dispensing Facilities (Gasoline Service Stations)."

The ARB has determined that it is not feasible to draft the proposed regulatory action in plain noncontrolling English due to the technical nature of the regulations; however, a plain English summary of the proposed regulatory action is available from the agency contact person named in this notice, and is also contained in Section V, "Reasons and Summary of Proposed Amendments to the Certification Procedure (CP-201)," of the ISOR for this regulatory action.

Copies of the ISOR and full text of the proposed regulatory language, in underline and strike-out format to allow for comparison with the existing regulations, may be obtained from the ARB's Public Information Office, Visitors and Environmental Services Center, 1001 I Street, First Floor, Sacramento, California 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing (July 22, 2004).

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the web site listed below.

Requests for printed documents and inquiries concerning the substance of the proposed regulations may be directed to the designated agency contact persons: Cindy Castronovo or George Lew, Engineering and Certification Branch, Monitoring and Laboratory Division, at (916) 327-0900.

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration and Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please go to <http://inside.arb.ca.gov/as/eo/languageaccess.htm> or contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

This notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/unihose.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the cost or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons and businesses. The ARB has determined that some gasoline station operators may save \$2,000 to \$65,000 by not having to convert existing dispensers to the unihose configuration while complying with the ORVR compatibility requirement. The ARB is not aware of any costs that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Gasoline dispensing facilities operated by state and local agencies, such as the Department of General Services, California Highway Patrol or Caltrans may realize similar cost savings.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, except as discussed above, or other nondiscretionary savings to state or local agencies.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has initially determined that the proposed amendments will not affect the creation or elimination of jobs within the State of California, the creation of new businesses and the elimination of existing businesses within the State of California, and the expansion of businesses currently doing business within the State of California.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will affect small businesses that own or operate GDFs.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements in the regulations and incorporated documents that apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the ARB must determine that no reasonable alternative considered by the ARB or that has otherwise been identified and brought to the attention of the ARB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action.

A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing, or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received no later than **12:00 noon July 21, 2004**, and addressed to the following:

Postal Mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, CA 95814

Electronic mail is to be sent to: unihose@listserv.arb.ca.gov and received at the ARB no later than **12:00 noon July 21, 2004**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB no later than **12:00 noon July 21, 2004**.

The Board requests, but does not require, 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring any

suggestions for modification of the proposed regulatory action to the attention of staff in advance of the hearing.

STATUTORY AUTHORITY

This regulatory action is proposed under the authority granted to the ARB in sections 39600, 39601, 39607, and 41954 of the Health and Safety Code. This action is proposed to implement, interpret, or make specific sections 39515, 41954, 41956.1, 41959, 41960 and 41960.2 of the Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the ARB may adopt the regulatory language as originally proposed or with nonsubstantial or grammatical modifications. The ARB may also adopt the proposed regulatory language with other modifications if the modifications are sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Visitors and Environmental Services Center, 1001 I Street, First Floor, Sacramento, California 95814, (916) 322-2990.

TITLE 22. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE OF PROPOSED RULEMAKING

AMENDMENTS TO SECTION 12901 METHODS OF DETECTION SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to amend Title 22, California Code of Regulations, Section 12901.

PUBLIC PROCEEDINGS

A public hearing will be held on **Tuesday, July 20, 2004**, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. The public hearing will commence at 10:00 a.m. in the Coastal Hearing Room,

California Environmental Protection Agency Building, 1001 I Street, 2nd Floor, Sacramento, California and will last until all business has been conducted, or until 5:00 p.m.

Any written statements or arguments regardless of the form or method of transmission must be received by OEHHA by 5:00 p.m. on **Tuesday, July 20, 2004**, which is hereby designated as the close of the written comment period.

Written comments regarding this proposed action may be sent by mail or by facsimile addressed to:

Cynthia Oshita
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation Program
P.O. Box 4010
Sacramento, California 95812-4010
FAX: (916) 323-8803
Telephone: (916) 445-6900

Comments sent by courier should be delivered to:

Cynthia Oshita
Office of Environmental Health Hazard Assessment
1001 I Street, 19th Floor
Sacramento, California 95814

Comments may also be transmitted via email addressed to: (coshita@oehha.ca.gov).

It is requested, but not required, that written statements or arguments be submitted in triplicate.

If you have special accommodation or language needs, please contact Cynthia Oshita at (916) 445-6900 or coshita@oehha.ca.gov by July 6, 2004. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CONTACT

Inquiries concerning the substance and processing of the action described in this notice may be directed to Cynthia Oshita, in writing at the address given above, or by telephone at (916) 445-6900. Ms. Susan Luong is a back-up contact person for inquiries concerning processing of this action and is available at the same telephone number.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as Proposition 65 (hereinafter referred to as "Proposition 65" or "the Act"), was enacted as a voters' initiative on November 4, 1986 and codified at Health and Safety Code Section 25249.5 et seq. The Office of Environmental Health Hazard Assessment (OEHHA), within the California Environmental Protection Agency is the state entity responsible for the implementation of the Act. OEHHA has the authority to promulgate and amend regulations to further the purposes of the Act. Included among the provision of Proposition 65 is a

prohibition against contaminating sources of drinking water with chemicals known to the state to cause cancer or reproductive harm and a requirement that businesses provide warnings before exposing individuals to chemicals known to the state to cause cancer or reproductive harm. Health and Safety Code Section 25249.11, subsection (c) defines "significant amount" of a listed chemical to mean "any detectable amount," other than an amount which poses no significant risk for carcinogens, or would have no observable effect assuming exposure at one thousand times the level in question with regard to chemicals known to cause reproductive harm. The Act, however, does not specify what analytical test methods must be used to determine whether a discharge, release, or exposure contains a detectable amount of a chemical listed under the Act.

Section 12901 was adopted to clarify and make more specific what is meant by "any detectable amount." The current version of the regulation adopted in 1989 provides that, where specified state or local governmental agencies have adopted or employed a method of analysis, that method must be used for purposes of the Act. Where these specified state or local government agencies have not adopted a method of analysis, but where a federal governmental agency has, the federally adopted method must be used. Where no governmental (local, state, or federal) agency has adopted a method of analysis, a method of analysis that is generally accepted in the scientific community must be used. Where no such method is available, a scientifically valid method must be used. Where more than one method of analysis had been adopted in a given tier, then any method within the tier could be used. The structure of the current regulation, therefore, created a tiered hierarchy of acceptable methods of analysis. The existing regulation also provides that generally accepted standards and practices for sampling, analyzing, and interpreting the data must be observed when using a particular method of analysis and that no discharge, release or exposure occurs under the Act, unless a listed chemical is detectable as provided in the regulation.

In recent years, litigants and courts have had difficulty interpreting and applying Cal. Code of Regs., Section 12901, particularly in the context of consumer products exposures. Recent cases such as *Mateel Environmental Justice Foundation v. Edmund Gray et al.* (2004) 9, Cal.Rptr.3d 486; 4 Cal. Daily Op. Serv. 569; 2004 Daily Journal D.A.R. 717 and various trial court decisions have highlighted issues with the application of the regulation to particular types of exposures as well as the difficulties some litigants encounter in identifying the proper method of analysis for a given chemical in a particular medium. Therefore, OEHHA has determined that amendments

to the regulation are necessary to provide a level of certainty for persons subject to the provisions of the Act. OEHHA staff have informally solicited input from representatives of the plaintiff and defense bar, the Office of the Attorney General and various members of the public, staff has reviewed decisions and pleadings from various cases decided and pending that address the application of this regulation and have developed proposed amendments to the regulation for public comment and discussion. OEHHA will also consider alternatives to the proposed amendments that may include potentially repealing some or all of the section.

In summary, the proposed amendments would remove the current hierarchy among the various acceptable methods of detection, would add a definition for the word "medium" as used in the regulation, and would make various other technical changes to the regulations in an attempt to add clarity and flexibility in the application of the regulation to various types of exposure scenarios.

AUTHORITY

Health and Safety Code Section 25249.12.

REFERENCE

Health and Safety Code Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY AFFECTING
BUSINESS, INCLUDING ABILITY TO COMPETE**

OEHHA has made an initial determination that the adoption of the regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. OEHHA believes the proposed amendments to the regulation could provide clarity and certainty for businesses that must comply with Proposition 65.

**IMPACT ON THE CREATION, ELIMINATION,
OR EXPANSION OF JOBS/BUSINESSES**

OEHHA has determined that the proposed regulatory action will not have any impact on the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulatory action will not impose any requirements on small business. Rather, the proposed regulatory action will assist small businesses subject to the Act in determining whether or not a discharge, release, or exposure for which they are responsible is detectable for purposes of the Act. The Act specifically excludes businesses with fewer than 10 employees from its requirements.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. As noted above, an alternative being considered by OEHHA is to repeal a portion of, or the entire regulation.

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS**

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed regulations, all the critical information upon which the regulation is based, and the text of the

proposed regulations. A copy of the Initial Statement of Reasons and a copy of the text of the proposed regulations are available upon request from OEHHA's Proposition 65 Implementation Program at the address and telephone number indicated above. These documents are also posted on OEHHA's Web site at www.oehha.ca.gov.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on the changed proposed regulations and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and who request notification from OEHHA of availability of such change. Copies of the notice and the changed regulation will also be available at the OEHHA's Web site at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from OEHHA's Proposition 65 Implementation Program at the address and telephone number indicated above. The Final Statement of Reasons will also be available at the OEHHA's Web site at www.oehha.ca.gov.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these

prospective contracts in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P. O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P. O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians &
Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P. O. Box 925
Middletown, CA 95461

DEPARTMENT OF FISH AND GAME

PUBLIC INTEREST NOTICE

CESA CONSISTENCY DETERMINATION FOR Morgan Valley/Denha Residential Development Project, RIVERSIDE COUNTY, CALIFORNIA

The Department of Fish and Game ("Department") received a request, on May 14, 2004 from the project applicant, Highpointe Communities, that consultations between the U. S. Fish and Wildlife Service ("Service") and the U. S. Army Corp of Engineers ("COE") regarding a proposed Morgan Valley/Denha Residential Development project in western Riverside County be considered consistent with the California Endangered Species Act ("CESA") pursuant to Fish and Game Code Section 2080.1. On May 7, 2004, the Service issued a biological opinion (FWS-WRIV-1137.4) specifying measures to be undertaken by the project applicant to mitigate any impacts of the project to the state-listed threatened and federally-listed endangered animal, Stephens' kangaroo rat (*Dipodomys stephensi*). If the Department determines that the federal biological opinion is consistent with CESA, the applicant will not be required to obtain an incidental take permit (Fish and Game Code Section 2081) for project impacts to this species.

DEPARTMENT OF FISH AND GAME

PUBLIC INTEREST NOTICE

CESA CONSISTENCY DETERMINATION FOR State Route 247, Pavement Rehab Project, RIVERSIDE and SAN BERNARDINO COUNTIES, CALIFORNIA

The Department of Fish and Game ("Department") received a request, on May 12, 2004 from the project applicant, California Department of Transportation, that consultations with the U. S. Fish and Wildlife Service ("Service") regarding a proposed Highway Maintenance Activities-State Route 247, Pavement Rehab project in Riverside and San Bernardino Counties be considered consistent with the California Endangered Species Act ("CESA") pursuant to Fish and Game Code Section 2080.1. On September 13, 1999, the Service issued a biological opinion (1-8-94-F-40) specifying measures to be undertaken by the project applicant to mitigate any impacts of the project to the state-listed threatened and federally-listed endangered animal, Desert tortoise (*Gopherus agassizii*). If the Department determines that the federal biological opinion is consistent with CESA, the applicant will not be required to obtain an incidental take permit (Fish and Game Code Section 2081) for project impacts to this species.

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

NOTICE TO INTERESTED PARTIES

**ANNOUNCEMENT OF
PUBLIC COMMENT PERIOD**

**Draft Technical Support Documents On Proposed
Public Health Goals for Cis- and
trans-1,2-dichloroethylene, 1,1,1-trichloroethane
and 1,1, 2-trichloroethane in Drinking Water**

The Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is announcing the availability of the draft technical support documents for proposed Public Health Goals (PHG) for cis- and trans-1, 2-dichloroethylene, 1,1,1-trichloroethane, and 1,1, 2-trichloroethane in drinking water. The draft documents are posted on the OEHHA Web site (www.oehha.ca.gov). OEHHA is soliciting comments on the draft reports during a 45-day comment period. The Office will also hold a public workshop on July 15, 2004, at Elihu Harris Building, 1515 Clay Street, Oakland, 94612, Room 11, 10 a.m.–12 noon, or until business is concluded. OEHHA follows the requirements set forth in Health and Safety Code Sections 57003(a) and 116365 for conducting the workshop and receiving public input.

The workshop is provided to encourage a dialogue between OEHHA scientists and the public, to discuss the scientific basis of the proposed PHGs, and to receive comments. Following the workshop, OEHHA will evaluate all the comments received, revise the documents as appropriate, and make them available for another 30-day comment period. After any subsequent revisions, the final documents will be posted on our Web site along with responses to the major comments from the public at the workshop and during the public review and scientific comment periods.

Oral and written comments received at the workshop will be considered during the revision of the draft technical support documents. Written comments must be received at the OEHHA address below by 5:00 p.m. on July 20, 2004, to be considered during this revision period for the documents.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996 (Health and Safety Code Section 116365), requires OEHHA to develop PHGs based exclusively on public health

considerations. PHGs published by OEHHA will be considered by the California Department of Health Services in setting drinking water standards (Maximum Contaminant Levels, or MCLs).

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below.

Ms. Catherine Caraway (ccaraway@oehha.ca.gov)
Pesticide and Environmental Toxicology Section
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
Headquarters: 1001 I Street, 12th floor
Sacramento, California 95814

Mailing address: P.O. Box 4010
Sacramento, CA 95812-4010
Attention: PHG Project

DECISION NOT TO PROCEED

AIR RESOURCES BOARD

**NOTICE OF PUBLIC HEARING TO
CONSIDER ADOPTION OF HEAVY-DUTY
VEHICLE IDLING EMISSION
REDUCTION REQUIREMENTS**

By notice dated November 25, 2003, and published in the December 5, 2003, California Notice Register, Register 2003, No. 49-Z, the Air Resources Board (the Board or ARB) announced it would conduct a public hearing to consider adoption of amendments to the California regulations for 2007 and subsequent model year new heavy-duty diesel engines and vehicles. A Notice of Postponement was released January 9, 2004, postponing the hearing until further notice.

PLEASE BE ADVISED that the proposed rulemaking, including the hearing, for consideration on the adoption of amendments to the California regulations for 2007 and subsequent model year new heavy-duty diesel engines and vehicles, has been cancelled. A new hearing date has not yet been determined. A new notice will be published at least 45 days in advance of the public hearing. Comments submitted in response to the November 25, 2003, notice will not be considered as part of the future rulemaking.

Pursuant to Government Code section 11347, publication of this Notice of Decision Not to Proceed hereby terminates the rulemaking action originally noticed on December 5, 2003 in the California Regulatory Notice Register.

BOARD OF CHIROPRACTIC EXAMINERS

Pursuant to Government Code Section 11347, the Board of Chiropractic Examiners has decided not to proceed with Division 4 of Title 16, Section 361, Manipulation Under Anesthesia, (Notice File No. Z03-0826-03), published in the California Regulatory Notice Register on September 5, 2003. The Board will initiate at a later date, with notice as required by law, a new proposal to adopt regulations pertaining to the same or similar subject matter.

The Board will also publish this notice of a decision not to proceed on our website.

RULEMAKING PETITION DECISIONS

DEPARTMENT OF MOTOR VEHICLES

May 11, 2004

Benjamin L. Rue
California Test Only Center
6305 Watt Ave Suite #104
North Highlands, CA 95660

Dear Mr. Rue:

PETITION FOR AMENDMENT OF TITLE 13, CALIFORNIA CODE OF REGULATIONS, SECTIONS 225.00 THROUGH 225.72, RELATING TO THE BUSINESS PARTNER AUTOMATION PROGRAM.

Thank you for your letter postmarked April 24, 2004, containing your petition requesting a review of the Business Partner Automation (BPA) Program, the adoption of new regulations, and the amendment of Sections 225.39, 225.45, and 225.48, of Title 13 of the California Code of Regulations. These regulations relate to the implementation of the BPA Program authorized under Vehicle Code section 1685. You requested several regulatory changes pursuant to section 11340.6 of the Government Code.

This letter contains the decision and response of the Department of Motor Vehicles (DMV) to the petition as required by Government Code section 11340.7. A copy of this letter will be provided to the Office of Administrative Law for publication in the California Regulatory Notice Register as required by that section.

It is the determination of DMV that your petition will be denied in whole. Many of the specific changes that you propose in your letter cannot be addressed in the BPA regulations. Each specific revision that you

propose and the reasons for rejecting the suggested amendments is discussed below.

You propose to amend section 225.48 to charge the three (\$3) dollar Business Partner Automation (BPA) transaction fee to the California State Automobile Association (CSAA). Vehicle Code (VC) section 1685(d) requires the department to charge a three (\$3) dollar transaction fee to business partners in the BPA Program. The California State Automobile Association (CSAA) is not part of the BPA Program and does not operate under the authority of VC section 1685, but instead operates under the authority of VC section 4610 and Section 12155 of the Insurance Code. VC section 1685(h) specifically states that the provisions of Vehicle Code section 1685 are not to impair or limit motor clubs who process registration transactions pursuant to VC section 4610 or Section 12155 of the Insurance Code. Historically, motor clubs have provided registration services to their customers since the early 1900's and prior to the existence of the Department of Motor Vehicles. Your suggestion cannot be addressed by regulation and therefore, the department is denying this petition request.

You propose to adopt a regulation to allow business partners to send registration and titling documents electronically to DMV to reduce shipping and processing expenses. Currently, sending documents electronically is not part of the BPA Program nor is it a process addressed in the BPA regulations. Your suggestion has merit and DMV is willing to consider it when DMV's concerns about security and its ability to effectively audit can be adequately addressed. However, VC section 1801.1 requires original documents sent electronically to the department to be stored indefinitely, which may deter business partners from adopting this process. Your proposed process is not currently part of the BPA strategic plan for the future and in light of the state's limited monetary and personnel resources, DMV is not ready to implement your suggestion at this time, but will add it to future objectives for the program. Therefore, the department is denying this petition request.

You propose that DMV adopt a regulation to establish a new process to monitor business partners with excessive errors. Although excessive errors are a problem, and your suggestion for a new process has merit, it appears to be very labor intensive for DMV and would therefore defeat the purpose of the BPA Program. The basic purpose behind establishing the BPA Program is to provide the public with another alternative to the department's field office processing. Along with that purpose is the expectation that the business partner is able to provide an efficient and high quality product with a minimal expenditure of resources by the department.

DMV provides a "How To" Procedure and Inventory Handbook to all business partners and requires service providers to provide registration and technical training to their second-line business partners under Section 225.39, of Title 13 of the California Code of Regulations. Therefore, the department is denying this petition request.

You propose that DMV adopt a regulation that authorizes BPA fees to be collected based on performance. Performance based fees is an intriguing idea but DMV, like all state agencies, can only collect fees that have been authorized by statute. Therefore, the department is denying this petition request.

You propose that DMV adopt a regulation that authorizes business partners to issue temporary registration. The statutes governing the BPA Program and the BPA regulations do not address the issuance of temporary registration. DMV is considering this issue and is reviewing alternatives that will ensure that all persons and governmental agencies (including the California Department of Highway Patrol) affected by the issuance of temporary registration have an opportunity to develop a workable process. DMV is also exploring the feasibility of automating the permit process. Therefore, the department is denying this petition request at this time.

You propose that DMV adopt a regulation that authorizes business partners to process additional registration transactions. The statutes governing the BPA Program and the BPA regulations do not identify the specific registration transactions that may be processed. At this time, business partners can only process current year registration renewals and new vehicle reports of sale documents. Adding additional transactions to the BPA Program is a top priority for DMV and by June of 2005, DMV is planning to add two additional transactions to the BPA Program. Therefore, the department is denying this petition request.

You propose that DMV adopt a regulation that authorizes business partners to process transactions on Sundays. The statutes governing the BPA Program and the BPA regulations do not identify the hours for processing transactions. Sunday is the only opportunity for DMV to shutdown the computer servers for maintenance; for the remainder of the week the servers work day and night. There are no current plans or money available to expand DMV's computer system. DMV is not aware of any alternative that can accommodate your request while still allowing the computer servers to be shutdown for maintenance. Therefore, the department is denying this petition request.

You propose that DMV adopt a regulation that allows registration renewals to be processed seventy three (73) days prior to the renewal expiration date.

Vehicle Code section 4601(b) specifically states that a registration renewal cannot be processed more than sixty (60) days prior to expiration. Your suggestion cannot be addressed by regulation and therefore, the department is denying this petition request.

You propose that DMV acknowledge the presence of business partners on the registration renewal notices and on the DMV web site. The renewal notice is produced by an automated computer system and revising the renewal notice is an ongoing and lengthy process. However, your suggestion has merit and will be considered during the next review cycle.

DMV has recently added a web page about the BPA Program to its web site. Further, the DMV also allows advertising. The parameters are outlined in your BPA contract. DMV currently sells advertising space in the California Driver Handbook. Please contact the BPA Program Administrator if you are interested.

The enhancements that you have suggested for the DMV renewal notice and web site cannot be addressed by regulation, and therefore, the department is denying this petition request.

You propose that DMV amend Section 225.45 of the BPA regulations to revise or eliminate the REG 4020 form. The Business Partner Automation Disclaimer form (REG 4020) is a signed contract between the business partner and the customer that the business partner, upon payment and proper documentation for registration, will issue the customer a valid registration document and indicia. The document is a consumer protection form that ensures business partners are not charging more than is authorized in the regulations. Many business partners have produced an automated form or use rubber stamps to complete the business partner's information on the form.

The Business Partner Automation Disclaimer form (REG 4020) is the document reviewed by DMV to verify compliance with Section 225.45, of Title 13 of the California Code of Regulations. Integrating the information with another form would not allow DMV convenient access to ensure compliance by the business partner with statutes and regulations governing the BPA Program. Therefore, the department is denying this petition request.

You propose that DMV adopt a regulation that lowers the required liability insurance limit. Neither the statutes governing the BPA Program nor the BPA regulations specifically address general liability insurance requirements. However, a one million dollar (\$1,000,000) liability policy is the minimum amount typically required in the State Contracting Manual and is required by the Department of General Services for all state contracts that carry an element of risk. Therefore, the department is denying this petition request.

Thank you for your participation in the BPA regulation process. We regret that your proposals cannot be utilized at this time. Many of your suggestions have merit and have opened new directions for our strategic plans for the future. Unfortunately the department is operating with limited resources, which makes it difficult to consider suggestions that would cause DMV to incur costs. In the future, when we reengineer the BPA Program, we will again review your suggestions.

DMV hopes to continue to work cooperatively with all of its business partners now and in the future. The rulemaking file clearly demonstrates that DMV has attempted to accommodate business partners' concerns by making changes to the proposed regulations. A copy of the proposed permanent regulations were sent to all first-line, first-line service providers and second-line business partners, and the proposed and adopted regulations may be reviewed on the DMV Internet web site.

Please feel free to contact the BPA Program Administrator, Evelyn Carr or her staff at (916) 657-8705 or Deborah Baity, Regulations Coordinator, at (916) 657-5690 if you have any questions.

Pursuant to Government Code section 11340.7, you or any other interested person may request reconsideration of any part or all of DMV's decision on this petition, no later than 60 days after the date of this letter. Interested persons may obtain a copy of the petition from Deborah Baity at:

Department of Motor Vehicles
P. O. Box 932382 M.S. E-244
Sacramento, CA 94232-3820
(916) 657-5690

Sincerely,

ED SNYDER

For: CHON GUTIERREZ
Director

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of

State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF EDUCATION

California High School Exit Examination

The regulatory action deals with the California High School Exit Examination.

Title 5

California Code of Regulations

ADOPT: 1204.5, 1211.5, 1218.6 AMEND: 1200, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1215, 1217 REPEAL: 1212, 1218.5, 1219.5

Filed 05/19/04

Effective 05/19/04

Agency Contact: Debra Strain (916) 319-0641

BOARD OF EQUALIZATION

Sales to the United State Government and its Instrumentalities

The Board of Equalization is amending section 1614 of title 18, California Code of Regulations pertaining to sales to the United States and its instrumentalities.

Minor editorial corrections are being made as well as changing "government remittance advice" to "documents demonstrating direct payment by the United States" in subsection (g) in order to alleviate confusion.

Title 18

California Code of Regulations

AMEND: 1614

Filed 05/25/04

Effective 05/25/04

Agency Contact: Diane G. Olson (916) 322-9569

CALIFORNIA BAY-DELTA AUTHORITY

Conflict of Interest Code

The California Bay-Delta Authority is adopting its conflict of interest code found at Title 2, Division 8, Chapter 105, Section 59152, California Code of Regulations. This adoption was approved for filing by the Fair Political Practices Commission on March 30, 2004.

Title 2

California Code of Regulations

ADOPT: 59152

Filed 05/25/04

Effective 06/24/04

Agency Contact: Pauline Nevins (916) 445-0462

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Alternative Daily Cover

This action sets standards for the beneficial reuse of solid wastes employed as daily cover applied over the working face of a municipal solid waste landfill,

including grain size and thickness specifications for various waste cover materials, and requires information regarding the use of such materials to be included in a report of disposal site information.

Title 27

California Code of Regulations

ADOPT: 20686 AMEND: 20690, 21600

Filed 05/24/04

Effective 07/23/04

Agency Contact: Elliot Block (916) 255-2821

DEPARTMENT OF HEALTH SERVICES

Recovery of Overpayments

This change without regulatory effect amends section 51047 of Title 22, concerning recovery of overpayments, to be consistent with the recent statutory change of Welfare and Institutions Code section 14172.5 (Stats. 2003, ch. 601, sec. 17 (SB 857)).

Title 22

California Code of Regulations

AMEND: 51047

Filed 05/24/04

Effective 05/24/04

Agency Contact: Linda Tutor (916) 654-0381

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Use of Signals and Operating Practices—Cranes

Existing regulations governing the operation of cranes, hoists, and derricks provide that only qualified persons shall be permitted to give signals and that the operator shall only respond to signals from the appointed signal person. This regulatory action amends these provisions to provide that anyone can give a stop signal and that the operator shall respond to a stop signal from anyone.

Title 8

California Code of Regulations

AMEND: 5001(b), 5008(b)

Filed 05/20/04

Effective 06/19/04

Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Pile Driving and Methods of Unloading Piles

This rulemaking action requires the employer to clearly delineate a danger zone around the operating hammer where employees involved in cutting, chipping, or welding operations are prohibited from working in order to protect them from the hazard of falling objects, and requires that the zone shall be maintained under the supervision of a competent person. It clarifies the requirement on the use of a blocking device when employees are working under the hammer. It prohibits practices known to weaken

tethers that must be used to prevent hoses from thrashing around in the event of a disconnection. It makes the use of platforms optional. It permits the use of an aerial device, in lieu of a ladder, when employees must go aloft on sheet piling. It specifies how piling must be hoisted. It requires the use of taglines for controlling unguided piles and free flying hammers. It requires that a hammer be lowered to the bottom of the leads while the pile driver is being moved. The action also changes the prescriptive standards for unloading piles to a requirement that piles be unloaded in a controlled manner so that employees are not exposed to the hazard of rolling or falling piles.

Title 8

California Code of Regulations

AMEND: 1600, 1601

Filed 05/24/04

Effective 06/23/04

Agency Contact: Marley Hart (916) 274-5721

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998—
SB 15 Joint Use

The emergency regulatory action deals with the School Facility Joint-Use Program.

Title 2

California Code of Regulations

ADOPT: 1859.123.1 AMEND: 1859.2, 1859.73.1, 1859.81, 1859.83, 1859.90, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126, 1859.127, 1859.129, 1859.130

Filed 05/21/04

Effective 05/21/04

Agency Contact: Robert Young (916) 445-0083

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998—
COS Design/Site

In this regulatory action, the State Allocation Board amends regulations implementing the Leroy F. Greene School Facilities Act of 1998 and principally involving the Critically Overcrowded Schools (COS) program.

Title 5

California Code of Regulations

AMEND: 1859.61, 1859.105, 1859.106, 1859.141, 1859.142, 1859.145, 1859.147, 1859.148, 1859.150.1, 1859.151, 1859.152, 1859.153

Filed 05/25/04

Effective 05/25/04

Agency Contact: Lisa Jones (916) 322-1043

SUPERINTENDENT OF PUBLIC INSTRUCTION
Enhancing Education Through Technology

The regulatory action deals with the "Enhancing Education Through Technology" Grant Program

Title 5

California Code of Regulations

AMEND: 11973, 11974, 11975, 11977, 11978, 11979

Filed 05/24/04

Effective 06/23/04

Agency Contact: Debra Strain

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN JANUARY 21, 2004
 TO MAY 26, 2004**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

03/29/04 ADOPT: 1395, 1398 AMEND: 1314, 1321, 1322, 1323, 1324, 1332, 1334, 1354, 1390, 1392

Title 2

05/25/04 ADOPT: 59152

05/21/04 ADOPT: 1859.123.1 AMEND: 1859.2, 1859.73.1, 1859.81, 1859.83, 1859.90, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126, 1859.127, 1859.129, 1859.130

05/17/04 AMEND: 48000

05/17/04 AMEND: 18616

05/17/04 AMEND: 50

05/17/04 ADOPT: 250

05/17/04 AMEND: 50

05/13/04 ADOPT: 18531.61 AMEND: 18531.6

05/11/04 ADOPT: 22100 (renumbered to 22100 and 22100.1), 22110 (renumbered to 22100.2), 22120 (renumbered to 22100.3), and 22130 (renumbered to 22100.4)

04/26/04 ADOPT: 585

04/22/04 AMEND: 1142

04/15/04 AMEND: 599.508

04/13/04 ADOPT: 599.511 AMEND: 599.500

03/23/04 AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145

03/23/04 ADOPT: 649.23, 649.24, 649.25, 649.26, 649.27, 649.28

03/23/04 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168, 1859.169, 1859.170, 1859.171 AMEND: 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1

03/22/04 ADOPT: 599.517

03/22/04 AMEND: 1859.77.2

03/11/04 AMEND: Div. 8, Ch. 53, Section 54200

03/11/04 AMEND: 18703.1, 18703.2, 18703.3, 18703.4, 18703.5

03/09/04 ADOPT: 22500, 22501, 22502, 22503, 22504, 22505, 22506, 22507, 22508, 22509, 22510, 22511, 22512, 22513, 22514, 22515, 22516, 22517, 22518, 22519

03/02/04 ADOPT: 1859.77.3 AMEND: 1859.2, 1859.77.2

03/01/04 AMEND: 1555

02/26/04

02/23/04 AMEND: 59150

02/23/04 AMEND: 1181.1

02/20/04 ADOPT: 58600

02/20/04 AMEND: Div. 8, Ch. 4, Sec. 25001

02/09/04 ADOPT: 599.893, 599.898, 599.906, 599.907, 599.909 MEND: 599.894, 599.895, 599.896, 599.898 (renumbered to 599.897), 599.903, 599.904, 599.905, 599.906 (renumbered to 599.908), 599.910

02/05/04 AMEND: 20107

01/23/04 ADOPT: 18531.6 AMEND: 18531.61

01/22/04 AMEND: 18707.5

Title 3

05/17/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 9784

05/13/04 AMEND: 3700(b)

05/03/04 AMEND: 3700(c)

04/27/04 ADOPT: 6487.1, 6487.2, 6487.3, 6487.4, 6487.5, 6609 AMEND: 6000, 6416, 6800, 6486.6 REPEAL: 6486.1, 6486.2, 6486.3, 6486.4, 6486.5, 6486.8, 6557, 6570, 6802

04/26/04 AMEND: 3601(g)
 04/26/04 AMEND: 6130
 04/23/04 ADOPT: 797.5 AMEND: 820.8 RE-
 PEAL: 820.7
 04/20/04 AMEND: 3700(c)
 04/20/04 AMEND: 2676, 2681, 2735, 2783
 04/01/04 AMEND: 3700(d)
 03/23/04 AMEND: 3423(b)
 03/23/04 AMEND: 6462
 02/17/04 AMEND: 3430(b)
 02/05/04 AMEND: 3417(b)
 ke01/27/04 ADOPT: 2850, 2851, 2852, 2853,
 2854, 2855, 2856, 2857

Title 4

04/26/04 ADOPT: 10300, 10302, 10305, 10310,
 10315, 10317, 10320, 10322, 10325,
 10326, 10327, 10328, 10330, 10335,
 10337
 04/22/04 ADOPT: 4145, 4146, 4147, 4148
 AMEND: 4140
 04/13/04 ADOPT: 144
 03/29/04 ADOPT: 10163, 10164 AMEND: 10152,
 10153, 10154, 10155, 10156, 10157,
 10158, 10159, 10160, 10161, 10162
 03/23/04 AMEND: 4001
 03/05/04 ADOPT: 12204, 12205, 12210, 12211,
 12212, 12213, 12214, 12224, 12225,
 12227, 12228, 12229, 12230, 12231,
 12232 AMEND: 12200, 12201, 12202,
 12203, 12206, 12207, 12208, 12209,
 12220, 12221, 12222, 12223, 12226
 02/27/04 ADOPT: 12270, 12271, 12272
 02/20/04 ADOPT: 12300, 12301, 12301.1, 12302,
 12303, 12304, 12305, 12306, 12307,
 12308, 12309, 12310 AMEND: 12300,
 12301, 12302, 12303, 12304, 12305,
 12309 REPEAL: 12303, 12307
 02/05/04 ADOPT: 12370, 12371
 02/05/04 AMEND: 12202, 12212, 12213, 12220,
 12221, 1222, 12223, 12224, 1225, 12226,
 12227, 12228, 12229, 12230, 12231,
 12232
 01/22/04 AMEND: 1371 REPEAL: 1373.1

Title 5

05/25/04 AMEND: 1859.61, 1859.105, 1859.106,
 1859.141, 1859.142, 1859.145, 1859.147,
 1859.148, 1859.150.1, 1859.151,
 1859.152, 1859.153
 05/24/04 AMEND: 11973, 11974, 11975, 11977,
 11978, 11979
 05/19/04 ADOPT: 1204.5, 1211.5, 1218.6
 AMEND: 1200, 1203, 1204, 1205, 1206,
 1207, 1208, 1209, 1210, 1211, 1215,
 1217 REPEAL: 1212, 1218.5, 1219.5
 05/10/04 ADOPT: 19800, 19801, 19803, 19804,
 19805

04/22/04 ADOPT: 876
 03/15/04 ADOPT: 19810, 19811, 19812, 12913,
 19814, 19815, 19816, 19817, 19818,
 19819, 19820, 19821, 19822, 19823,
 19824, 19825, 19826, 19827, 19828,
 19829, 19830, 19831
 03/11/04 ADOPT: 19802
 03/08/04 AMEND: 30060
 02/27/04 ADOPT: 6100, 6101, 6102, 6103, 6014,
 6110, 6111, 6112, 6115
 02/10/04 AMEND: 11960
 02/03/04 ADOPT: 853.5 AMEND: 850, 852, 853,
 589
 02/02/04 AMEND: 41301
 02/02/04 ADOPT: 42353.1 AMEND: 42354
 02/02/04 REPEAL: 41801

Title 8

05/24/04 AMEND: 1600, 1601
 05/20/04 AMEND: 5001(b), 5008(b)
 04/29/04 AMEND: 3427
 04/23/04 AMEND: 14300.10, 14300.12, 14300.29,
 Appendix A, Appendix B, Appendix D,
 Appendix E
 04/22/04 ADOPT: 10202.1, 10203.1, 10203.2
 AMEND: 10200, 10201, 10203, 10204
 04/20/04 AMEND: 8403
 04/19/04 AMEND: 20299, 20390
 04/13/04 AMEND: 5044, 5046, 5049. and Table
 S-1, Table S-1a, Table S-11, Table S-12,
 Table S-13, and Table S-14.
 04/01/04 AMEND: 3427
 03/22/04 AMEND: 1529(g)
 03/18/04 ADOPT: 5148
 02/03/04 AMEND: 1712
 02/02/04 ADOPT: 32017, 32018, 51096, 71010,
 71026, 71027, 71030, 71035, 71040,
 71050, 71055, 71060, 71070, 71080,
 71090, 71095, 71100, 71110, 71115,
 71120, 71130, 71140, 71200, 71210,
 71225, 71230, 71235, 71300, 71310,
 71320, 71330, 71340, 71680, 71685,
 71700, 71

Title 9

05/04/04 REPEAL: 7336, 7337, 7338, 7339, 7341,
 7342, 7343, 7344, 7345, 7346, 7347,
 7347.1, 7347.2, 7348, 7349
 04/29/04 AMEND: 1921, 1922
 03/04/04 ADOPT: 7000.2, 7001.2, 7001.5, 7002.5,
 7006, 7006.3, 7009.1, 7013.2, 7013.6,
 7014, 7014.1, 7017.2, 7017.5, 7017.7,
 7018.4, 7019.5, 7021.5, 7024.7, 7028.1,
 7028.6, 7028.8, 7029.1, 7029.6, 7029.7,
 7029.9, 7035, 7037, 7038, 7098, 7128,
 7129, 7130, 7130.5, 7

Title 10

05/17/04 AMEND: 260.102.14
 05/04/04 AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41, 2698.42 REPEAL: 2698.40, 2698.41, 2698.42, 2698.43, 2698.44, 2698.45
 04/29/04 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4, 2192.5, 2192.6, 2192.7, 2192.8, 2192.9, 2192.10, 2192.11, 2192.12
 04/26/04 AMEND: 250.30
 04/20/04 ADOPT: 2020, 2021 AMEND: 250.51
 04/19/04 AMEND: 2498.6
 04/13/04 AMEND: 260.102.14
 03/25/04 ADOPT: 2695.40, 2695.41, 2695.42, 2695.43, 2695.44, 2695.45
 03/15/04 ADOPT: 2361
 03/08/04 ADOPT: 2194, 2194.1, 2194.2, 2194.3, 2194.4, 2194.5, 2194.6, 2194.7, 2194.8
 03/01/04 ADOPT: 2698.102, 2698.600, 2698.602, 2698.604 AMEND: 2698.100, 2698.200, 2698.201, 2698.202, 2698.203, 2698.204, 2698.205, 2698.206, 2698.207, 2698.208, 2698.300, 2698.301, 2698.302, 2698.303, 2698.401, 2698.403, 2698.405, 2698.407, 2698.500, 2698.501, 18660.20, 18660.21, 18660.22, 18660.23, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33, 18
 05/03/04 ADOPT: 8100, 8100.01, 8100.02, 8100.03, 8100.04, 8100.05, 8100.06, 8100.07, 8100.08, 8100.09, 8100.10, 8100.11, 8100.12, 8100.13
 04/30/04 AMEND: 27.60, 27.67, 27.82, 28.28, 28.29, 28.55
 04/29/04 AMEND: 27.60, 28.55
 03/30/04 AMEND: 27.60, 27.65, 27.82, 28.27
 03/29/04 AMEND: 150, 150.02, 150.03, 150.05
 03/29/04 AMEND: 2000, 2200, 2305, 2310, 2320, 2401, 2500, 2501, 2518
 03/08/04 AMEND: 3698, 3699
 03/02/04 AMEND: 18464, 18465
 02/24/04 AMEND: 1.17, 1.59, 2.10, 5.00, 5.50, 5.75, 7.00, 7.50, 8.00, 27.60, 29.15, 43, 195
 02/09/04 AMEND: 630
 02/02/04 AMEND: 112
 01/23/04 AMEND: 27.60, 27.82, 27.83, 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.58

Title 11

05/05/04 AMEND: 51.20
 04/30/04 ADOPT: 51.21
 04/30/04 ADOPT: 51.20
 04/26/04 ADOPT: 999.15, 999.16, 999.17, 999.18, 999.19, 999.20, 999.21, 999.22, 999.23 AMEND: 999.10 999.11, 999.12, 999.13, 999.14 REPEAL: Appendix A

Title 13

05/13/04 AMEND: 110.01, 110.02
 04/28/04 AMEND: 2415
 04/09/04 REPEAL: 55.01, 55.02, 55.03, 55.04, 55.05, 55.06
 03/01/04 ADOPT: 159.00
 02/25/04 AMEND: 1900, 1960.1(k), 1961(a)(d), 1962
 01/26/04 AMEND: 553.70

Title 14

05/13/04 AMEND: 27.80
 05/11/04 ADOPT: 3808.5
 05/10/04 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5
 05/10/04 AMEND: 851.6
 05/10/04 ADOPT: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.11, 18660.12, 18660.13, 18660.14, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19,

Title 15

05/18/04 AMEND: 3426
 05/13/04 AMEND: 2000, 2400, 2403
 05/03/04 AMEND: 3043.5, 3043.6, 3044
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 04/15/04 ADOPT: 2251.5 AMEND: 2041, 2057, 2072, 2073, 2074 REPEAL: 2050, 2051, 2052, 2054, 2055, 2056, 2701
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 05/04/04 AMEND: 1079.3
 04/29/04 AMEND: 2030.2
 04/22/04 ADOPT: 1399.330, 1399.349, 1399.352.5 AMEND: 1399.301, 1399.321, 1399.350, 1399.351, 1399.352, 1399.353, 1399.356, 1399.395 REPEAL: 1399.330, 1399.331, 1399.333
 04/15/04 ADOPT: 1399.700, 1399.701, 1399.702, 1399.703, 1399.704, 1399.705, 1399.706, 1399.707 AMEND: 1399.650, 1399.700, 1399.705
 04/12/04 AMEND: 2756

03/09/04 ADOPT: 4150, 4151, 4152, 4153, 4154, 4155
 03/03/04 ADOPT: 1829 AMEND: 1816.2, 1816.3, 1877 REPEAL: 1815
 01/23/04 ADOPT: 6.1, 7.1, 7.2, 8.1, 8.2, 51.1, 56.4, 59, 60, 61, 68.2, 68.3, 68.4, 68.5 AMEND: 5.1, 7, 8, 52, 70, 71, 88, 88.2, 98 REPEAL: 52.1

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05/25/04 AMEND: 1614
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05/24/04 AMEND: 51047
 05/04/04 ADOPT: 110226, 110242, 110251, 110336, 110337, 110355, 110485, 110547, 110615, 116004, 116018, 116036, 116038, 116042, 116061, 116062, 116063, 116100, 116102, 116104, 116106, 116108, 116110, 116114, 116116, 116118, 116120, 116122, 116124, 116130, 116132,
 05/03/04 AMEND: 123000
 04/26/04 ADOPT: 51008.1 AMEND: 51104, 51520, 51521
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 04/12/04 AMEND: 12705
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 03/26/04 AMEND: 66250.1, 66250.2, 66260.1, 66260.2, 66260.3, 66260.4, 66260.5, 66260.1, 66260.2, 66260.3, 66260.4, 66260.5
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03/30/04 AMEND: 19200, 19205
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05/05/04 AMEND: 1005
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